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The Minnesota
**State
Register**

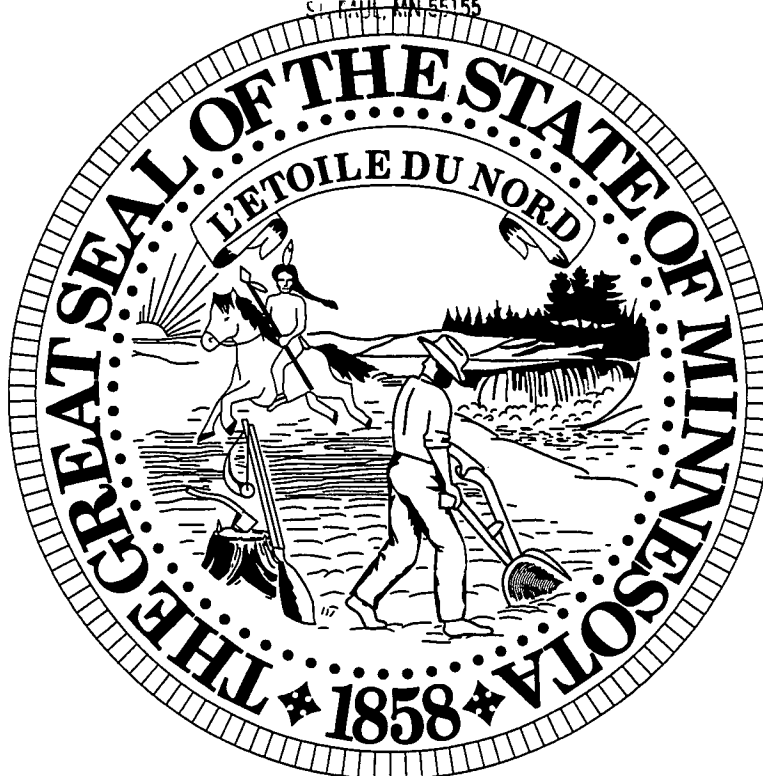
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State Register

Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical-consulting contracts, non-state bids and public contracts and grants.

A *Contracts Supplement* is published Tuesday, Wednesday and Friday and contains bids and proposals for commodities, including printing bids.

Printing Schedule and Submission Deadlines

Vol. 19 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
30	Monday 23 January	Monday 9 January	Friday 13 January
31	Monday 30 January	Friday 13 January	Monday 23 January
32	Monday 6 February	Monday 23 January	Monday 30 January
33	Monday 13 February	Monday 30 January	Monday 6 February

Arne H. Carlson, Governor 612/296-3391

Joanne E. Benson, Lt. Governor 612/296-3391

Department of Administration:

Elaine S. Hansen, Commissioner 612/296-1424

Robert A. Schroeder, Asst. Commissioner 612/297-4261

Hubert H. Humphrey III, Attorney General 612/297-4272

Judi Dutcher, State Auditor 612/297-3670

Print Communications Division:

Kathi Lynch, Director 612/297-2553

Mary Mikes, Manager 612/297-3979

Joan Anderson Growe, Secretary of State 612/296-2079

Michael A. McGrath, State Treasurer 612/296-7091

Robin PanLener, Editor 612/297-7963

Paul Hoffman, Assistant Editor 612/296-0929

Debbie George, Circulation Manager 612/296-0931

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SUBSCRIPTION SERVICES:

The *State Register* is published by the State of Minnesota, Department of Administration, Print Communications Division, 117 University Avenue, St. Paul, MN 55155, pursuant to *Minnesota Statutes* § 14.46. Order by phone: Metro area: 297-3000 Toll free 800-657-3757. Telecommunication Device for the Deaf Metro area: 282-5077 Toll free 800-657-3706. **NO REFUNDS.** Both editions are delivered postpaid to points in the United States, second class postage paid for the *State Register* at St. Paul, MN, first class for the *Contracts Supplement*. Publication Number 326630 (ISSN 0146-7751). Subscribers who do not receive a copy of an issue should notify the *State Register* circulation manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

- *State Register* (published every Monday, or Tuesday if Monday is a holiday) One year subscription: \$150.00
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- "Commodity Contract Awards Reports," - lists awards of contracts and bids published in the Tuesday-Wednesday-Friday "*Contracts Supplement*" - published every two weeks, \$5.00 per individual report, plus \$3.00 shipping if applicable. Order stock # 99-42. Six-month subscriptions cost \$75.00 - a savings of about \$38.00 over the cost of purchasing them individually. Appears every two weeks. Order stock # 90-14. Available in hard copy format only.
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FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

SENATE

Briefly-Preview—Senate news and committee calendar; published weekly during legislative sessions.

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

Contact: Senate Public Information Office (612) 296-0504
Room 231 State Capitol, St. Paul, MN 55155

HOUSE

Session Weekly—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions.

This Week—weekly interim bulletin of the House.

Session Summary—Summarizes all bills that both the Minnesota House of Representatives and Minnesota Senate passed during their regular and special sessions.

Contact: House Information Office (612) 296-2146
Room 175 State Office Building, St. Paul, MN 55155

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Commodities and requisitions are advertised in the *State Register Contracts Supplement*, published every Tuesday, Wednesday and Friday.

For subscription information call 612/296-0931.

"Commodity Contract Awards Reports" are published every two weeks, and "Professional-Technical-Consulting Contract Awards Reports" are published monthly. Both are available through Minnesota's Bookstore, (612) 297-3000 or 1-800-657-3757.

Individual awards can be obtained from the **Materials Management Helpline** 612/296-2600.

Minnesota Rules: Amendments and Additions

NOTICE: How to Follow State Agency Rulemaking in the *State Register*

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific *Minnesota Rule* chapter numbers. Every odd-numbered year the *Minnesota Rules* are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-657-3757.

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Information for Health Care Services

Health Care Facilities Directory

Lists of all Minnesota licensed and certified health care facilities. Statistical data tables and listings organized alphabetically by county, town and facility. Features hospitals, nursing homes, boarding homes, outpatient care, hospice and more. 213 pp. plus index. 1-89 SR \$18.95

Minnesota Health Statistics -- 1990

Minnesota Center for Health Statistics, published August 1992. Tables, diagrams outlining vital statistics for live births, induced abortions, fertility, infant and general mortality, marriage, divorce and population. 142 pp. 10-16SR \$15.00

Available through Minnesota's Bookstore. Use the handy order form on the back of the *State Register* to order. Visit Minnesota's Bookstore to view a variety of health care publications.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Proposed Rules

Pursuant to Minn. Stat. §14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Board of Electricity

Proposed Permanent Rules Relating to Continuing Education

Notice of Intent to Adopt Rules without a Public Hearing

Introduction: The Minnesota Board of Electricity (hereinafter "Board") intends to adopt permanent rules without a public hearing following the procedures set forth in the Administrative Procedures Act, *Minnesota Statutes*, sections 14.22 to 14.28. You have 30 days to submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rule must be submitted to:

William E. Bickner, Executive Secretary
State Board of Electricity
1821 University Avenue
St. Paul, MN 55104
(612) 642-0800
Fax: (612) 642-0441
Minnesota Relay Service for Hearing or Speech Impaired:
297-5353 Metro Area or (800) 627-3529 Greater Minnesota

Subject of Rules and Statutory Authority. The proposed rules are about continuing education as a condition for renewal of personal electrical licenses. The statutory authority to adopt the rule is *Minnesota Statutes*, sections 214.12 and 326.241. A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on Tuesday, February 22, 1995 to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on February 22, 1995. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rules which caused your request, the reason for the request, and any changes you want made to the proposed rules. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Modifications. The proposed rules may be modified as a result of public comment. The modifications must be supported by data and views submitted to the Board and may not result in a substantial change in the proposed rules as attached and printed in the *State Register*. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

Statement of Need and Reasonableness. A statement of need and reasonableness is now available. The statement describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule. A free copy of the statement may be obtained from the agency contact person at the address and telephone number listed above.

Small Business Considerations. In preparing these rules, the Board has considered the requirements of *Minnesota Statutes*, section 14.115, in regard to the impact of the proposed rules on small businesses. The adoption of the rules will not directly affect small businesses, but will indirectly benefit them by ensuring a greater overall level of competence of licensees they employ. The Board's evaluation of the small business requirements is addressed further in the Statement of Need and Reasonableness.

Expenditure of Public Money by Local Public Bodies. *Minnesota Statutes*, section 14.11, subdivision 1, does not apply because adoption of these rules will not result in additional spending by local public bodies.

Impact on Agriculture Lands. *Minnesota Statutes*, section 14.11, subdivision 2, does not apply because adoption of these rules will not have an impact on agricultural land.

Departmental Charges. *Minnesota Statutes*, section 16A.1285, subdivisions 4 and 5, do not apply because the rules do not establish or adjust departmental charges.

Adoption and Review of Rule. If no hearing is required, after the end of the comment period the board may adopt the rules. The rules and supporting documents will then be submitted to the Attorney General for review as to the legality and form to the extent form relates to legality. You may request to be notified of the date the rules are submitted to the attorney general or be notified of the attorney general's decision on the rules. If you wish to be so notified, or wish to receive a copy of the adopted rules, submit your request to the agency contact person listed above.

Dated: 4 January 1995

William E. Bickner, Executive Secretary
Board of Electricity

Rules as Proposed (all new material)

3800.3600 AUTHORITY; PURPOSE.

Parts 3800.3601 to 3800.3604 establish continuing education requirements for renewal of electrician licenses, as authorized by *Minnesota Statutes*, section 214.12.

3800.3601 DEFINITIONS.

Subpart 1. **Words, terms, and phrases.** For the purposes of parts 3800.3600 to 3800.3603, the terms defined in this part have the meanings given them.

Subp. 2. **Educational program.** "Educational program" means a course, seminar, workshop, or other educational offering where interactive instruction is provided by one or more instructors, either directly or by interactive television.

Subp. 3. **Hours of instruction.** "Hours of instruction" means the time in hours allowed by the board for attending an educational program pursuant to part 3800.3602.

Subp. 4. **Electrician license.** "Electrician license" means a class A master electrician, class B master electrician, class A journeyman electrician, class B journeyman electrician, master elevator constructor, elevator constructor, maintenance electrician, class A installer, or class B installer license issued by the board, or other type of personal electrical license that may in the future be established by statute or rule.

Subp. 5. **Provider.** "Provider" means a person, partnership, corporation, limited liability company, professional association, government agency, or other entity authorized by law which provides educational programs for credit under part 3800.3602.

3800.3602 REQUIREMENTS FOR RENEWAL OF ELECTRICIAN LICENSE.

Subpart 1. **License renewal.** The board shall not renew the electrician license of an applicant for renewal who has held the license for at least 24 months after the effective date of this part unless the applicant has credit for the hours of instruction required by this part.

Subp. 2. **Hours of instruction.** Within the 24 months preceding the expiration of an electrician license, each holder of a license shall receive credit for 16 hours of instruction through one or more educational programs. Hours of instruction credit equivalency for continuing education units shall be the allowable continuing education units multiplied by ten. Credit shall be allowed only once for any educational program in any 24-month period. Where a licensee holds more than one type of electrician license, the same credits for hours of instruction may be applied to each license.

Subp. 3. **Acceptable subjects.** At least 12 hours of instruction under subpart 2 shall be on the National Electrical Code and the

remainder on the statutes and rules governing electrical installations, parts 3800.3500 to 3800.3810, and *Minnesota Statutes*, sections 326.241 to 326.248, or technical topics related to electrical installations and equipment.

Subp. 4. **False information.** Any person who certifies or accepts credit for hours of instruction where the person credited did not attend the course or seminar claimed to be attended is guilty of a misdemeanor under the provisions of *Minnesota Statutes*, section 326.246, clause (1), and, if licensed, is subject to the disciplinary provisions of *Minnesota Statutes*, section 326.242, subdivision 9.

3800.3603 CREDIT FOR INSTRUCTION.

Subpart 1. **Approval of educational programs.** To qualify for credit under part 3800.3602, educational programs shall be approved by the board. The provider shall submit an application for approval on a form provided by the board, which shall include an outline of the educational program; the number of hours of instruction provided; and the names, addresses, telephone and facsimile numbers, and qualifications of the instructors. The provider shall submit a new application for approval if the instruction provided deviates substantively from the outline previously submitted or the hours of instruction provided is changed. Applications for approval shall be received by the board at least 30 days prior to the first presentation of an educational program.

Subp. 2. **Notification of presentations.** Not less than 14 days prior to a presentation of an educational program, the provider shall notify the board in writing of the date, time, and location of the presentation.

Subp. 3. **Exception to preapproval.** Notwithstanding subparts 1 and 2, educational programs that are offered in other states and not granted prior approval according to this part shall be considered for credit if the board is provided with evidence that the educational program meets the requirements of part 3800.3602 and is approved for continuing education credit by a public authority licensing electricians in the other state.

Subp. 4. **Review of educational programs.** The board shall have authority to audit or review educational programs and presentations of educational programs for compliance with parts 3800.3600 to 3800.3603 and review the provider's records concerning persons who have attended such presentations for credit. The board shall withdraw approval of any educational program not in compliance with parts 3800.3600 to 3800.3603.

Subp. 5. **Qualifications of instructors.** All educational programs shall be conducted by instructors who have the qualifications described in at least one of the following items:

A. a journeyman or master electrician license and at least four years' experience in electrical inspection, supervising electrical installations, or teaching a construction electrician course;

B. a registered or licensed electrical engineer with at least four years' experience in the design of premises electrical power systems;

C. a valid teacher's license issued under the provisions of *Minnesota Statutes*, section 136C.04, subdivision 9; or

D. at least five years' practical experience in the subject being taught. Not more than four hours of instruction credit will be allowed for an educational program conducted by an instructor in this category.

Subp. 6. **Credit for teaching.** Instructors of educational programs approved under this part shall receive three hours of instruction credit for each hour of instruction allowable under subpart 1.

Subp. 7. **Report of credits earned.** Within 14 days after presentation of an educational program for credit under part 3800.3602, the provider shall provide a certificate of completion to each licensee in attendance and shall forward an attendance list to the board on a form supplied by the board. Each certificate of completion and attendance list shall include the name of the provider, date and location of the presentation, educational program identification that was provided to the board, hours of instruction or continuing education units, and the licensee's name and license number or social security number.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

Pollution Control Agency

Proposed Permanent Rules Relating to Used Oil and Miscellaneous Amendments

Notice of Intent to Adopt Rule Amendments Without a Public Hearing

The Minnesota Pollution Control Agency (MPCA) intends to adopt a permanent rule without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, § 14.22 to 14.28. You have 30 days to submit written comments on the proposed rule and may also submit a written request that a public hearing be held on the rule.

Agency Contact Person. Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to Glenn Skuta, Hazardous Waste Division, Minnesota Pollution Control Agency, 520 Lafayette Road North, St. Paul, Minnesota 55155-4194 (telephone 612/297-8319, or 800/657-3724; facsimile 612/297-8676).

Subject of Rule and Statutory Authority. The proposed rule is mainly about the management of used oil, and also contains miscellaneous hazardous waste amendments. The statutory authority to adopt this rule is contained in *Minnesota Statutes* § 116.07, subd. 4. A copy of the proposed rule is published immediately after this notice.

Comments. All persons have until 4:30 p.m., February 22, 1995, to submit comments in support of or in opposition to the proposed amendments or any part or subpart of the proposed amendments. All comments must be in writing and received by the MPCA contact person by the due date. Comment is encouraged. All comments should identify the portion of the proposed amendments addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, any person may also request that a hearing be held on the proposed amendments. Your request for a public hearing must be in writing and must be received by the MPCA contact person by 4:30 p.m., February 22, 1995. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed amendments that caused your request, the reason for your request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a public hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the MPCA will follow the procedures in *Minnesota Statutes* § 14.131 to 14.20.

Modifications. The proposed amendments may be modified as a result of public comment. The modifications must be supported by data and views submitted to the MPCA and may not result in a substantial change in the proposed amendments as printed immediately after this notice. If the proposed amendments affect you, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the MPCA contact person. This statement of need and reasonableness describes the need for and reasonableness of each provision of the proposed amendments and identifies the data and information relied upon to support the proposed amendments.

Small Business Considerations. *Minnesota Statutes* § 14.115 requires that the notice of rulemaking include a statement of impact of the proposed amendments on small businesses. The proposed amendments will have a minor effect on some small businesses. The proposed amendments will require some small businesses to change operating practices, including performing more recordkeeping and reporting, and altering waste storage and handling procedures. The MPCA has attempted to develop the proposed amendments in a manner that reduces their impact on small businesses. Some of the proposed amendments (e.g., the proposed amendments regarding the management of PCBs and off-specification fuel products) reduce the current level of regulation on some small businesses. The proposed amendments also include delayed compliance dates for portions of the proposed rules to benefit small businesses. However, in many cases, the proposed amendments incorporate federal regulations affecting small businesses that can not be modified due to federal requirements. In other cases, the MPCA has not modified the proposed amendments to benefit small businesses in order to ensure protection of human health and the environment.

Adoption and Review of Rule. If no hearing is required, after the end of the comment period, the MPCA may adopt the rule. The rule and supporting documents will then be submitted to the attorney general for review as to legality and form to the extent form relates to legality. Any person may request to be notified of the date the rule is submitted to the attorney general or be notified of the attorney general's decision on the rule. Any person wishing to be so notified, or wishing to receive a copy of the adopted rule, must submit a request to the MPCA contact person listed above.

Charles W. Williams
Commissioner

Rules as Proposed

7001.0560 GENERAL INFORMATION REQUIREMENTS FOR PART B OF APPLICATION.

Part B of the application must contain the following information:

[For text of items A to D, see M.R.]

E. A copy of the general inspection schedule required by part 7045.0452, subpart 5, item B, including, if applicable, the information in parts 7045.0526, subpart 5; 7045.0528, ~~subparts 5 and subpart 7~~; 7045.0532, subpart 5; 7045.0534, subparts 5 and 6; 7045.0536, subpart 4; 7045.0538, subpart 5; 7045.0539, subpart 3; and 7045.0542, subpart 7; and the process vent and equipment leak standards in *Code of Federal Regulations*, title 40, sections 264.1033, 264.1052, 264.1053, and 264.1058, as amended.

[For text of items F to V, see M.R.]

7001.0650 INTERIM STATUS.

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Prohibitions.** During the interim status period, an owner or operator shall not:

[For text of items A to C, see M.R.]

D. alter a hazardous waste facility in a manner that amounts to a reconstruction of the facility. For the purpose of this part, reconstruction occurs when the capital investment in the modification of the facility exceeds 50 percent of the capital cost of a comparable new hazardous waste facility. Reconstruction does not include changes made solely for the purpose of complying with the requirements of part 7045.0628, ~~subparts subpart 4 and 5~~, for tanks and ancillary equipment, or to treat or store in containers or tanks hazardous wastes subject to the land disposal restrictions under parts 7045.1300 to 7045.1380 or RCRA section 3004, if the changes are made solely to comply with parts 7045.1300 to 7045.1380 or RCRA section 3004.

[For text of subps 5 to 7, see M.R.]

7035.2535 GENERAL SOLID WASTE MANAGEMENT FACILITY REQUIREMENTS.

Subpart 1. **Unacceptable wastes.** The owner or operator of a solid waste management facility must not accept the following wastes for treatment, storage, processing, or disposal:

[For text of items A to C, see M.R.]

D. ~~waste~~ used oil, except as provided in subpart 5, item B;

[For text of items E to G, see M.R.]

[For text of subps 2 to 6, see M.R.]

7045.0020 DEFINITIONS.

[For text of subps 1 to 6, see M.R.]

Subp. 6a. **Boiler.** "Boiler" means an enclosed device using controlled flame combustion and having the characteristics specified in item A or B. If used oil or hazardous waste is to be used as a fuel in an industrial boiler or a utility boiler, these boilers must meet the additional criteria in items C and D.

[For text of items A and B, see M.R.]

C. An industrial boiler burning used oil or hazardous waste as a fuel must be located on the site of an establishment engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes.

D. A utility boiler burning used oil or hazardous waste as a fuel must be one that is used to produce electric power, steam, ~~or~~ heated or cooled air, or other gases or fluids for sale.

[For text of subps 6b to 34, see M.R.]

Subp. 34a. **Hazardous waste fuel.** "Hazardous waste fuel" means a hazardous waste that is burned for energy recovery and includes fuel that is produced from hazardous waste by processing, blending, or other treatment, except for those blended fuels described in part ~~7045.0102, subpart 3~~ 7045.0800.

[For text of subps 35 to 73, see M.R.]

Subp. 73a. **RCRA ~~or Resource Conservation and Recovery Act~~.** "RCRA" or "~~Resource Conservation and Recovery Act~~" means the Resource Conservation and Recovery Act, as amended.

[For text of subps 73b to 100, see M.R.]

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Proposed Rules

Subp. 100a. **Used oil.** "Used oil" means any oil which has been refined from crude oil; or any synthetic oil, that has been used, as a lubricant, heat transfer fluid, hydraulic fluid, or for similar uses, and as a result of such use has become contaminated by physical or chemical impurities. Lubricants include, but are not limited to motor oil, greases, metalworking lubricants including aqueous metalworking lubricants containing petroleum oil, emulsions, and refrigerant oils. Heat transfer fluids include, but are not limited to, coolants, heating media, and electrical insulation oils. Hydraulic fluids include, but are not limited to, transmission fluids, power steering fluids, and brake fluids. Virgin oils of the types described in this subpart that are intentionally disposed in solid waste, or in or on the land or waters of the state before being used for their original intended purpose are used oil. Used oil does not include: petroleum-based products used as solvents; fuels; ethylene and propylene glycol antifreeze; wastewater from which used oil has been recovered to the extent possible; used oil residues and sludges generated from used oil storage, processing, and rerefining that are not usable as used oil fuel and are not able to be processed into used oil fuel; and virgin oil that is unintentionally disposed. Other terms related to used oil are defined in part 7045.0790.

Subp. 100b. **Used oil filter.** "Used oil filter" means a device attached to a vehicle, machine, or piece of equipment used for removing contaminants from oil that as a result of being used has become contaminated with oil and other contaminants.

Subp. 100c. **Used oil fuel.** "Used oil fuel" means used oil that is burned for energy recovery, and includes fuel produced from used oil by processing, blending, or other treatment, except for those blended fuels described in part 7045.0102, subpart 3 7045.0800.

Subp. ~~400e~~ 100d. **Vault system.** "Vault system" means an underground, concrete or equivalent, impermeable secondary containment structure consisting of four walls, a floor, and roof used to encapsulate one or more tanks.

[For text of subps 101 to 102a, see M.R.]

Subp. 102b. [See repealer.]

[For text of subps 102c to 107, see M.R.]

Subp. 108. **Wetland.** "Wetland" has the meaning given to "wetlands" in *Minnesota Statutes*, section 103G.005, subdivision 18 part 7050.0130, item F.

[For text of subp 109, see M.R.]

7045.0065 AVAILABILITY OF REFERENCES.

The documents referred to in this chapter may be obtained by contacting the appropriate offices as listed in this part.

[For text of item A, see M.R.]

B. **Flammable and Combustible Liquids Code in the National Fire Codes, 1981,** issued by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269, available at the Engineering Library of the University of Minnesota Minnesota Uniform Fire Code, as incorporated by reference in part 7510.3310;

[For text of items C to H, see M.R.]

I. Standard Industrial Classification Manual issued by the Office of Management and Budget, Executive Office of the President of the United States, available from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161.

7045.0120 EXEMPTIONS AND SPECIAL REQUIREMENTS.

Subpart 1. **Exempt types of waste.** The following waste may be stored, labeled, transported, treated, processed, and disposed of without complying with the requirements of this chapter:

[For text of items A to P, see M.R.]

Q. petroleum-contaminated media and debris that fail the test for the toxicity characteristic in part 7045.0131, subpart 7 (hazardous waste codes D018 to D043 only), and are subject to corrective action regulations under ~~chapter 7150~~ Code of Federal Regulations, title 40, part 280, as amended;

[For text of items R and S, see M.R.]

T. spent wood preserving solutions that have been reclaimed and reused for their original intended purpose, and wastewaters from the wood preserving process that have been reclaimed and are reused to treat wood; or

U. used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems that use chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle, provided the refrigerant is reclaimed for further use; or

V. used oil rerefining distillation bottoms that are used as feedstock to manufacture asphalt products.

[For text of subp 2, see M.R.]

7045.0121 TREATABILITY STUDY EXEMPTIONS.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Facilities and sample handling.** A mobile treatment unit may qualify as a laboratory or testing facility subject to requirements of this subpart. Where a group of mobile treatment units are located at the same site, the limitations specified in this subpart apply to the entire group of mobile treatment units involved in treatability studies collectively as if the group were one mobile treatment unit. Samples undergoing treatability studies and the laboratory or testing facility conducting the treatability studies, to the extent the facilities are engaged directly in treatability studies and are not otherwise subject to the Resource Conservation and Recovery Act requirements, United States Code, title 42, section 6901 et seq. requirements, as amended, are not subject to any requirements of Code of Federal Regulations, title 40, part 124, as amended; parts 7045.0102 to 7045.0685 except this part and applicable references; parts 7023.9000 to 7023.9050; 7045.1300 to 7045.1380; chapter 7001; or to the notification requirements of the Resource Conservation and Recovery Act, *United States Code*, title 42, section 6930, as amended, providing that the conditions in items A to K are met.

[For text of items A to K, see M.R.]

7045.0125 MANAGEMENT OF WASTE BY USE, REUSE, RECYCLING, AND RECLAMATION.

Subpart 1. **Scope.** This part regulates hazardous waste and used oil that is to be recycled except for use constituting disposal as provided in part 7045.0665, hazardous waste used for precious metals recovery as provided in part 7045.0675; spent lead-acid batteries being reclaimed as provided in part 7045.0685; hazardous waste fuel being burned for energy recovery as provided in part 7045.0692; or used oil fuel being burned for energy recovery as provided in part ~~7045.0695~~ 7045.0885.

[For text of subp 3, see M.R.]

Subp. 3a. Management requirements for used oil.

A. Used oil that is recycled ~~in some other manner than being burned for energy recovery~~ is not subject to the requirements of parts 7045.0205 to 7045.0695 and 7045.1300 to 7045.1380.

B. Used oil that is not recycled is regulated as a hazardous waste and is subject to the applicable requirements of parts 7045.0205 to 7045.0695 and 7045.1300 to 7045.1380.

C. Used oil that is to be burned for energy recovery is regulated under part 7045.0695. Used oil that is mixed with hazardous waste and is burned for energy recovery is regulated under part 7045.0692 and the applicable requirements of part 7045.0102 by reuse, rerefining, reclamation, reprocessing, or burning for energy recovery, is subject only to parts 7045.0790 to 7045.0995, unless otherwise specified in that part. Used oil that is not recycled is hazardous waste and is subject to this chapter and chapter 7046.

Subp. 4. **Management of specific hazardous wastes.** Management of the following wastes when recycled, is not subject to regulation under parts 7045.0205 to 7045.0695 and 7045.1300 to 7045.1380:

[For text of items A to F, see M.R.]

G. hazardous waste fuel produced from oil-bearing hazardous wastes from petroleum refining, production, or transportation practices, or produced from oil reclaimed from the hazardous wastes, where the hazardous wastes are reintroduced into a process that does not use distillation or does not produce products from crude oil if the resulting fuel meets the used oil specification under part ~~7045.0695, subpart 1, item B, subitem (1)~~ 7045.0840, and no other hazardous wastes are used to produce the hazardous waste fuel;

H. hazardous waste fuel produced from oil-bearing hazardous waste from petroleum refining, production, and transportation practices, where the hazardous wastes are reintroduced into a refining process after a point at which contaminants are removed, if the fuel meets the used oil fuel specification under part ~~7045.0695, subpart 1, item B, subitem (1)~~ 7045.0840;

I. oil that is reclaimed from oil-bearing hazardous wastes from petroleum refining, production, and transportation practices, and is burned as a fuel without reintroduction to a refining process, if the reclaimed oil meets the used oil fuel specification under part ~~7045.0695, subpart 1, item B, subitem (1)~~ 7045.0840;

[For text of item J, see M.R.]

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K. nonwastewater splash condenser dross residue from the treatment of K061 in high temperature metals recovery units, provided it is shipped in drums, if shipped, and not land disposed before recovery; and

L. pipeline interface material, provided that the material is transported solely in a pipeline system as defined in *Code of Federal Regulations*, title 49, part 195, as amended, and is:

(1) used as an ingredient in fuel;

(2) sent to a refinery for use as an ingredient in a refining process; or

(3) sent to a facility processing location for reclamation; and

M. mixtures of different petroleum fuel products that met all fuel specifications required by Minnesota Statutes, section 239.761, before being mixed together, and that contain no other added water or waste, provided the mixtures are:

(1) used as an ingredient in fuel;

(2) sent to a refinery for use as an ingredient in a refining process; or

(3) sent to a processing location for reclamation.

Subp. 5. Requirements for use of hazardous waste as feedstock.

A. Except as provided in items B to D, hazardous wastes that are shown to be recycled by being used in a manner specified in subitems (1) to (3), are not subject to regulation under parts 7045.0205 to ~~7045.0695~~ 7045.0995 and 7045.1300 to 7045.1380. This subpart does not apply to wastes being accumulated speculatively as defined in part 7045.0020, subpart 84a, or being managed by use constituting disposal as regulated under part 7045.0665 or burning for energy recovery, as regulated in part 7045.0692. Hazardous wastes are considered to be used as feedstock if they are:

[For text of subitems (1) to (3), see M.R.]

[For text of item B, see M.R.]

C. Transporters of hazardous wastes for use as feedstock must comply with all applicable requirements of *Minnesota Statutes*, sections 221.033 and 221.034, and with 221.035 if applicable, and *Code of Federal Regulations*, title 49, parts 171 to 179, as amended.

[For text of item D, see M.R.]

[For text of subp 6, see M.R.]

Subp. 7. **Generator requirements.** Unless exempted specifically in this part or ~~part 7045.0695~~ parts 7045.0790 to 7045.0995, a generator of hazardous waste that is destined for recycling is subject to the requirements of parts 7045.0205 to 7045.0320.

Subp. 8. **Transporter requirements.** Unless exempted specifically in this part or ~~part 7045.0695~~ parts 7045.0790 to 7045.0995, transporters of hazardous waste destined for recycle are subject to the requirements of parts 7045.0351 to 7045.0397.

Subp. 9. **Facility requirements.** Unless exempted specifically in this part or parts 7045.0692 and ~~7045.0695~~ 7045.0790 to 7045.0995, owners or operators of facilities which recycle hazardous waste are subject to the following requirements:

[For text of items A to C, see M.R.]

[For text of subp 12, see M.R.]

7045.0131 CHARACTERISTICS OF HAZARDOUS WASTE.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Oxidizers.** A waste exhibits the characteristics of an oxidizer if a representative sample of the waste has the following properties:

A. it is an oxidizer as defined in *Code of Federal Regulations*, title 49, section ~~173.151 (1983)~~ 173.127, as amended; or

[For text of item B, see M.R.]

[For text of subps 4 to 8, see M.R.]

7045.0135 LISTS OF HAZARDOUS WASTES.

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Discarded commercial chemical products, off specification species, containers, and spill residues.** The following materials or items are hazardous wastes when they are discarded or intended to be discarded as described in part 7045.0020, subpart 18; when they are mixed with waste oil or used oil or other material and applied to the land for dust suppression or road treatment; when they are otherwise applied to the land in lieu of their original intended use; when they are contained in products that are

applied to the land in lieu of their original intended use; or when, in lieu of their original intended use, they are produced for use as, or as a component of a fuel, distributed for use as a fuel, or burned as a fuel.

[For text of items A and B, see M.R.]

C. any residue remaining in a container or inner liner removed from a container that has held any commercial chemical product or manufacturing chemical intermediate having the generic names listed in item E or F, unless the container or inner liner is empty as defined in part 7045.0127, subpart 3;

[For text of items D to F, see M.R.]

Subp. 5. **PCB wastes.** Requirements for PCB wastes are as follows:

[For text of items A and B, see M.R.]

C. A generator of PCB wastes who stores on-site prior to disposal is exempt from the agency's hazardous waste storage facility permit requirements and parts 7045.0292 and 7045.0450 to 7045.0642 for the storage of those wastes except for the following requirements:

(1) the storage standards described in *Code of Federal Regulations*, title 40, section 761.65 (1983), as amended; and

(2) the requirements applicable to the generator based on generator size of part 7045.0292, subpart 1, ~~items C, D, and E~~ or 6, regarding proper labeling ~~and marking~~, personnel training, preparedness, prevention, and contingency planning. However, PCB items in use or in storage prior to disposal that are regulated under Code of Federal Regulations, title 40, part 761, as amended, are not subject to the hazardous waste labeling requirements of part 7045.0292.

[For text of item D, see M.R.]

E. Thermal treatment of PCB wastes at concentrations less than 500 parts per million. High efficiency boilers as defined in *Code of Federal Regulations*, title 40, section 761.60 (1983), as amended, which are used for treatment of mineral oil dielectric fluid containing less than 500 ppm PCB, are exempt from the agency's hazardous waste facility permit requirements in chapter 7001 and parts 7023.9000 to 7023.9050, 7045.0292, and 7045.0450 to 7045.0642 for storage and treatment of those wastes, except for the following requirements:

[For text of subitems (1) to (4), see M.R.]

F. PCB wastes have the hazardous waste number of MN03.

7045.0143 GROUNDWATER PROTECTION HAZARDOUS CONSTITUENTS LIST.

Subpart 1. **Scope.** For the purposes of the groundwater protection requirements in parts 7001.0640, subpart 1, item D, subitem (2); and 7045.0484, subparts 12, item ~~H G~~, subitem (2), and 13, item E, the hazardous constituents are listed with their corresponding Chemical Abstract Service registry numbers in subparts 2 to 27. Where "total" is entered for the Chemical Abstract Service registry number, all species in the groundwater that contain this element are included.

[For text of subps 2 to 27, see M.R.]

7045.0145 DELETION OF CERTAIN HAZARDOUS WASTE CODES FOLLOWING EQUIPMENT CLEANING AND REPLACEMENT AT WOOD PRESERVING PLANTS.

[For text of subpart 1, see M.R.]

Subp. 2. **Process equipment cleaning and replacement.** Generators must either clean or replace all process equipment that may have come into contact with chlorophenolic formulations or constituents thereof, including, but not limited to, treatment cylinders, sumps, tanks, piping systems, drip pads, fork lifts, and trams. Cleaning and replacement of process equipment must be performed in a manner which minimizes or eliminates the escape of hazardous waste or waste constituents, leachate, contaminated drippage, or hazardous waste decomposition products to the groundwater, surface water, or atmosphere. Generators must either:

A. prepare and follow an equipment cleaning plan and clean equipment in accordance with this item by:

(1) preparing and ~~signing~~ following a written equipment cleaning plan that describes the equipment to be cleaned, how the equipment will be cleaned, the solvent chosen to be used in the cleaning, how solvent rinses will be tested, and how cleaning residues will be disposed;

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[For text of subitems (2) and (3), see M.R.]

B. prepare ~~and~~, sign, and follow a written equipment replacement plan that describes the equipment to be replaced, how the equipment will be replaced, and how the equipment will be disposed of as F032 waste; or

[For text of item C, see M.R.]

[For text of subp 3, see M.R.]

7045.0206 GENERATOR SIZE DETERMINATION.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Waste exempt from size determination.** A generator shall not include the following waste when determining the quantity of hazardous waste generated:

A. exempt waste under part 7045.0120;

B. recycled waste under part 7045.0125, subparts 4, 5, and 6;

C. used oil ~~managed as follows:~~, excluding hazardous waste which has been mixed with used oil under part 7045.0800, that is exempt under part 7045.0125, subpart 3a:

(1) ~~used oil that is recycled in some other manner than being burned for energy recovery; and~~

(2) ~~used oil that is to be burned for energy recovery as regulated under part 7045.0695;~~

[For text of items D to F, see M.R.]

[For text of subp 6, see M.R.]

7045.0208 HAZARDOUS WASTE MANAGEMENT.

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Land disposal.** Except as specified in part 7045.1300, subparts 2 and 3, hazardous wastes are subject to the requirements of parts 7045.1300 to 7045.1380.

7045.0221 IDENTIFICATION NUMBER.

Prior to transportation, treatment, storage, or disposal of any hazardous waste, used oil, used oil filters, or other waste contaminated with used oil, a generator must obtain a generator identification number on forms provided by the commissioner.

7045.0225 GENERATOR LICENSE.

Subpart 1. **Applicability.** A person who generates hazardous waste, used oil, used oil filters, or other waste contaminated with used oil, must obtain a hazardous waste generator license for each individual generation site. The procedures for application and issuance are described in parts 7045.0225 to 7045.0250. The fees associated with the license are set forth in parts 7046.0031 to 7046.0070.

[For text of subp 2, see M.R.]

7045.0230 CONTENT OF LICENSE APPLICATION.

Subpart 1. **Information required.** Except as provided in subpart 1a, an application must be on a form provided by the commissioner and must include the following information:

[For text of items A to C, see M.R.]

D. a list of all ~~used and waste oils oil, used oil filters, and wastes contaminated with used oil~~ generated, the physical state of these wastes, and the source or process from which the waste was produced;

E. a management plan for each hazardous waste ~~and, used oil, used oil filters, and wastes contaminated with used oil~~ produced that includes the following information:

[For text of subitems (1) to (9), see M.R.]

[For text of item F, see M.R.]

Subp. 1a. **Very small quantity generator license application.** An application for a very small quantity generator license must be on a form provided by the commissioner and must include the following information:

[For text of items A to E, see M.R.]

F. the certification required under subpart 1, item F; ~~and~~

G. additional information required under subpart 1 as requested by the commissioner; and

H. a list of all used oil, used oil filters, and waste contaminated with used oil generated, the physical state of these wastes, and the sources or processes from which the waste was produced.

[For text of subp 4, see M.R.]

7045.0240 SUBMITTAL OF LICENSE APPLICATION.

Subp. 3. **License application submittal.** Each generator who is producing hazardous waste, used oil, used oil filters, or wastes contaminated with used oil in Minnesota must submit a license application to the commissioner within 75 days of first producing a hazardous waste, used oil, used oil filters, or waste contaminated with used oil. The generator must at all times manage the waste in full compliance with parts 7045.0205 to 7045.0320. The generator must not treat, dispose of, or relinquish control of the waste until at least 15 days after the application is received by the commissioner. The date of receipt is the postmark date if mailed or the agency date of receipt if hand delivered. In the period between 15 days after the generator's license application receipt and the commissioner's action under part 7045.0245, the generator may treat, dispose of, and relinquish control of the hazardous waste, used oil, used oil filters, or waste contaminated with used oil as provided in part 7045.0208 until written response to the generator's license application is received under part 7045.0245. After the commissioner acts on the license application, the generator must manage the waste according to the license conditions and the requirements of this chapter or the generator must cease producing the waste if the license application is denied.

A generator who has notified the commissioner of the generator's waste under this chapter before April 1, 1992, need not submit a license application under this part. A license will be issued by the commissioner after the submittal and approval of the generator's next scheduled report and payment of generator fees under chapter 7046.

[For text of subp 4, see M.R.]

7045.0243 TERM AND CONDITIONS OF LICENSE.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **General conditions.** Each license must include the general conditions described in items A to J and the commissioner shall incorporate these conditions into all licenses either expressly or by specific reference to this part. Licensees must comply with all conditions of the license at all times.

[For text of items A to J, see M.R.]

7045.0248 LICENSE RENEWAL APPLICATION.

Subpart 1. **Applicability.** A licensed generator must submit a license renewal application to the commissioner on forms provided by the commissioner. A generator must submit the application by a date specified by the commissioner. Except as provided in subpart 2, the application must contain the following information for each hazardous waste produced during the preceding calendar year:

[For text of items A to D, see M.R.]

E. for each hazardous waste ~~and~~, used oil, used oil filter, and waste contaminated with used oil produced during the reported calendar year the following information:

[For text of subitems (1) to (8), see M.R.]

[For text of items F to H, see M.R.]

Subp. 2. **Very small quantity generator license renewal application.** A very small quantity generator must submit a license renewal application to the commissioner on forms provided by the commissioner. A generator must submit the application by a date specified by the commissioner. The application must contain the following information for each hazardous waste produced during the preceding calendar year:

[For text of items A to C, see M.R.]

D. the certification required under subpart 1, item H; ~~and~~

E. additional information required under subpart 1 as requested by the commissioner; ~~and~~

F. a list of all used oil, used oil filters, and waste contaminated with used oil generated, the physical state of these wastes, and the sources or processes from which the waste was produced.

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Proposed Rules

[For text of subs 3 to 5, see M.R.]

7045.0292 ACCUMULATION OF HAZARDOUS WASTE.

Subpart 1. **Large quantity generator.** A large quantity generator may accumulate hazardous waste on site without a permit or without having interim status if:

[For text of item A, see M.R.]

B. the waste is placed in containers which meet the standards of part 7045.0270, subpart 4, and are managed in accordance with ~~part parts~~ 7045.0594, subpart 2, 7045.0596, subpart 3, and 7045.0626; in tanks provided the generator complies with the requirements of ~~part parts~~ 7045.0594, subpart 2, 7045.0596, subpart 3, and 7045.0628 except part 7045.0628, subpart 9, item C, and subpart 12; or for wood preserving operations on drip pads, provided the generator complies with ~~part parts~~ 7045.0594, subpart 2, 7045.0596, subpart 3, and 7045.0644 and maintains records containing a description of procedures that will be followed to ensure that all wastes are removed from drip pads and associated collection systems at least once every 90 days, and maintains documentation of the quantities, dates, and times of each waste removal. These records relating to drip pads must be maintained at the licensed site and must be easily available for agency inspection;

[For text of items C to G, see M.R.]

[For text of subp 2, see M.R.]

Subp. 5. **Small quantity generator.** A small quantity generator may accumulate up to 3,000 kilograms of hazardous waste that is not acute hazardous waste on site without a permit or without having interim status if:

[For text of item A, see M.R.]

B. the waste is placed in containers which meet the standards of part 7045.0270, subpart 4, and are managed in accordance with ~~part parts~~ 7045.0594, subpart 2, 7045.0596, subpart 3, and 7045.0626; in tanks provided the generator complies with the requirements of ~~part parts~~ 7045.0594, subpart 2, 7045.0596, subpart 3, and 7045.0629; or for wood preserving operations on drip pads, provided the generator complies with ~~part parts~~ 7045.0594, subpart 2, 7045.0596, subpart 3, and 7045.0644 and maintains records containing a description of procedures that will be followed to ensure that all wastes are removed from drip pads and associated collection systems at least once every 180 days, and maintains documentation of the quantities, dates, and times of each waste removal. These records relating to drip pads must be maintained at the licensed site and must be easily available for agency inspection;

[For text of items C to H, see M.R.]

Subp. 6. **Very small quantity generator.** A very small quantity generator may accumulate up to 1,000 kilograms of hazardous waste that is not acute hazardous waste on site without a permit or without having interim status if:

[For text of item A, see M.R.]

B. the waste is placed in containers which meet the standards of part 7045.0270, subpart 4, and are managed in accordance with ~~part parts~~ 7045.0594, subpart 2, 7045.0596, subpart 3, and 7045.0626; in tanks provided the generator complies with the requirements of ~~part parts~~ 7045.0594, subpart 2, 7045.0596, subpart 3, and 7045.0629; or for wood preserving operations on drip pads, provided the generator complies with ~~part parts~~ 7045.0594, subpart 2, 7045.0596, subpart 3, and 7045.0644 and maintains records containing a description of procedures that will be followed to ensure that all wastes are removed from drip pads and associated collection systems at least once every 180 days, and maintains documentation of the quantities, dates, and times of each waste removal. These records relating to drip pads must be maintained at the licensed site and must be easily available for agency inspection;

[For text of items C to H, see M.R.]

[For text of subs 7 to 11, see M.R.]

7045.0310 SPECIAL REQUIREMENTS FOR WASTE COLLECTED AS RESULT OF HOUSEHOLD HAZARDOUS WASTE MANAGEMENT PROGRAM.

[For text of subs 1 to 6, see M.R.]

Subp. 7. **Treatment.** Operators conducting treatment of collected household hazardous wastes are subject to the requirements of items A to C.

[For text of item A, see M.R.]

B. Treatment methods which do not require approval of the commissioner are bulking of:

- (1) paints;
- (2) solvents;

(3) used ~~or waste oil~~; and

(4) antifreeze.

While bulking is being done, the personnel training and safety procedures must specifically address how this activity will be conducted.

[For text of item C, see M.R.]

7045.0320 VERY SMALL QUANTITY GENERATOR HAZARDOUS WASTE COLLECTION PROGRAMS.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **License application.** The license application must provide a complete description of the program including, as applicable:

[For text of items A to I, see M.R.]

J. the bulking of paints, solvents, used ~~or waste oil~~, and antifreeze does not require submittal of the additional information under item I but must be addressed under items G and H;

[For text of items K to P, see M.R.]

[For text of subps 6 to 10, see M.R.]

7045.0450 FACILITIES GOVERNED BY FACILITY STANDARDS.

Subpart 1. **General requirements.** Parts 7045.0450 to 7045.0544 apply to owners and operators of all facilities that treat, store, or dispose of hazardous waste except as specifically provided otherwise in this part or in parts 7045.0102 to 7045.0320.

Parts 7045.0450 to 7045.0544 apply to the owners or operators of publicly owned treatment works that treat, store, or dispose of hazardous waste only to the extent they are included in a permit-by-rule granted under the agency's permitting procedures.

Parts 7045.0450 to 7045.0544 apply to a person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research, and Sanctuaries Act of 1972, *United States Code*, title 16, sections 1431 to 1434, as amended ~~through December 31, 1982~~, and *United States Code*, title 33, section 1401, as amended ~~through December 31, 1982~~, only to the extent they are included in a permit-by-rule granted under the agency's permitting procedures. Parts 7045.0450 to 7045.0544 apply to the treatment or storage of hazardous waste before it is loaded onto an ocean vessel for incineration or disposal at sea.

Parts 7045.0450 to 7045.0544 apply to the owners and operators of all facilities that treat, store, or dispose of hazardous waste referred to in parts 7045.1300 to 7045.1380.

[For text of subps 2 and 3, see M.R.]

7045.0454 PERSONNEL TRAINING.

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Effective date.** Facility personnel shall successfully complete the program required in subpart 3 ~~by July 16, 1984 or within six months after the date of their employment or assignment to a facility or assignment to a new position at a facility; whichever is later.~~ Facility personnel not subject to the requirements of *Code of Federal Regulations*, title 40, section 264.18 (1983), as amended, shall successfully complete the program required in subpart 3 within ~~six months after July 16, 1984 or six months after the date of their employment or assignment to a facility or assignment to a new position at a facility; whichever is later.~~ Employees hired after July 16, 1984 shall not work in unsupervised positions until they have completed the training requirements of subparts 1 to 3.

[For text of subps 5 to 7, see M.R.]

7045.0456 GENERAL REQUIREMENTS FOR IGNITABLE, REACTIVE, OR INCOMPATIBLE WASTE.

[For text of subpart 1, see M.R.]

Subp. 1a. **Segregation of incompatible waste.** Hazardous waste that is incompatible with any waste or other materials located nearby must be adequately separated from the other materials or protected from them by means of a dike, berm, wall, or other device.

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[For text of subp 2, see M.R.]

Subp. 3. **Documentation of compliance.** When required to comply with ~~subpart 4 or 2~~ this part, the owner or operator shall document that compliance. This documentation may be based on reference to published scientific or engineering literature, data from trial tests, waste analyses, or the results of the treatment of similar wastes by similar treatment processes and under similar operating conditions.

7045.0478 OPERATING RECORD.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Record information.** The information in items A to S must be recorded, as it becomes available, and maintained in the operating record until closure of the facility.

[For text of items A to G, see M.R.]

H. Monitoring, testing, or analytical data and corrective action where required by parts 7045.0461; 7045.0484; 7045.0528, subparts 2, 4, ~~5~~, and 7; 7045.0532, subparts 4a, 4b, and 5; 7045.0534, subparts 4a, 5, 5a, and 6; 7045.0536, subparts 5, 6, and 8; 7045.0538, subparts 4a, 5, 5a, and 6; 7045.0539, subpart 3; and 7045.0542, subpart 7; and the process vent and equipment leak test methods and procedures and record keeping requirements in *Code of Federal Regulations*, title 40, sections 264.1034(c) to (f), 264.1035, 264.1063(d) to (i), and 264.1064, as amended.

[For text of items I to S, see M.R.]

7045.0518 LIABILITY REQUIREMENTS.

[For text of subpart 1, see M.R.]

Subp. 2. **Coverage for nonsudden accidental occurrences.** An owner or operator of a surface impoundment, landfill, land treatment facility, or miscellaneous disposal unit which is used to manage hazardous waste, or a group of such facilities, shall demonstrate financial responsibility for bodily injury and property damage to third parties caused by nonsudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator shall have and maintain liability coverage for nonsudden accidental occurrences in the amount of at least \$3,000,000 per occurrence with an annual aggregate of at least \$6,000,000, exclusive of legal defense costs. This liability coverage may be demonstrated in one of the following ways:

[For text of items A to C, see M.R.]

~~D. For existing facilities, the required liability coverage for nonsudden accidental occurrences must be demonstrated by the dates listed below. The total sales or revenues of the owner or operator in all lines of business, in the fiscal year preceding July 16, 1984 will determine which of the dates applies. If the owner and operator of a facility are two different parties, or if there is more than one owner or operator, the sales or revenues of the owner or operator with the largest sales or revenues will determine the date by which the coverage must be demonstrated. The dates are as follows:~~

- ~~(1) for an owner or operator with sales or revenues totaling \$10,000,000 or more, six months after July 16, 1984.~~
- ~~(2) for an owner or operator with sales or revenues greater than \$5,000,000 but less than \$10,000,000, 18 months after July 16, 1984;~~
- ~~(3) for all other owners or operators, 30 months after July 16, 1984.~~
- ~~(4) for an owner or operator subject to the requirements of *Code of Federal Regulations*, title 40, section 264.147 (1983) on the date he or she is required to demonstrate coverage under *Code of Federal Regulations*, title 40, section 264.147 (1983) or on July 16, 1984, whichever is later.~~

[For text of subps 3 to 7, see M.R.]

7045.0528 TANK SYSTEMS.

Subpart 1. **Scope.** This part applies to owners and operators of facilities that use tank systems, including tank systems, sumps, and other such collection devices or systems used in conjunction with drip pads, as defined in part 7045.0020 and regulated under part 7045.0541, to treat or store hazardous waste, except as part 7045.0450, and items A and B provide otherwise.

A. Tank systems that are used to store or treat hazardous waste that contains no free liquids and are situated inside a building with an impermeable floor are exempted from the requirements in ~~subparts~~ subpart 4 and 5. To demonstrate the absence or presence of free liquids in the stored or treated waste, EPA Method 9095 (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (EPA Publication No. SW-846) must be used.

B. Tank systems, including sumps, as defined in part 7045.0020, that serve as part of a secondary containment system to collect or contain releases of hazardous wastes are exempt from the requirements in ~~subparts~~ subpart 4 and 5.

Subp. 2. **Assessment of existing tank system's integrity.** The following requirements apply to existing tank systems:

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A. For each existing tank system that does not have secondary containment meeting the requirements of ~~subparts~~ subpart 4 and 5, the owner or operator must determine whether the tank system is leaking or is unfit for use. Except as provided in item C, the owner or operator must obtain and keep on file at the facility a written assessment reviewed and certified by an independent, qualified registered professional engineer, that attests to the tank system's integrity. The certification must include the statements in parts 7001.0070 and 7001.0540.

[For text of item B, see M.R.]

C. Owners or operators of tank systems that were required to conduct this assessment by *Code of Federal Regulations*, title 40, section 264.191(a), as amended, must conduct and keep this assessment on file as required by that section. Owners or operators of all other existing tank systems must conduct this assessment by February 8, 1990. Owners or operators of tank systems that store or treat materials that become hazardous wastes must conduct this assessment within 12 months after the date the waste becomes a hazardous waste.

[For text of item D, see M.R.]

[For text of subp 3, see M.R.]

Subp. 4. **Containment and detection of releases.** The following requirements apply to the containment and detection of releases from tanks:

A. In order to prevent the release of hazardous waste or hazardous constituents to the environment, secondary containment that meets the requirements of this part must be provided, except as provided in item H₂.

(1) ~~for new tank systems or components, before they are put into service;~~

(2) ~~for an existing tank system that on August 8, 1988, is less than ten years old by August 8, 1993;~~

(3) ~~for an existing tank system that on August 8, 1988, is ten or more years old but less than 15 years old, by the date the tank system is 15 years old or by January 12, 1989, whichever is later;~~

(4) ~~for an existing tank system that on August 8, 1988, is 15 or more years old, by January 12, 1989;~~

(5) ~~for an existing tank system for which the age cannot be documented, the tank system must be treated as if it is 15 years old as specified in subitem (4); however, if the owner or operator demonstrates that the age of the tank system does not exceed 15 years, the tank system shall be treated as specified in subitem (2) or (3), as applicable;~~

(6) ~~for a tank system that stores or treats a material that is not a hazardous waste on August 8, 1988, but which later becomes subject to regulation as a hazardous waste, within two years of the date the material becomes subject to regulation as a hazardous waste; and~~

(7) ~~for an existing tank system used to store or treat hazardous wastes F020, F021, F022, F023, F026, F027, and F028, listed under part 7045.0135, subpart 2, by January 12, 1989.~~

[For text of items B to H, see M.R.]

Subp. 5. [See repealer.]

[For text of subps 6 and 7, see M.R.]

Subp. 8. **Response to leaks or spills and disposition of leaking or unfit for use tank systems.** The owner or operator of a tank system or secondary containment system from which there has been a leak or spill, or which is unfit for use, must satisfy the following requirements:

[For text of items A and B, see M.R.]

C. The owner or operator must immediately conduct a visual inspection of the release and, based upon that inspection:

(1) prevent further migration of the leak or spill to soils or surface water; and

(2) remove and properly ~~dispose of~~ manage any visible contamination of the soil or surface water.

D. Notification and reports.

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(1) Any release to the environment must be reported immediately upon detection to the ~~commissioner~~ within 24 hours of its detection Minnesota duty officer at (612) 649-5451 or (800) 627-3529.

[For text of subitems (2) and (3), see M.R.]

[For text of items E and F, see M.R.]

[For text of subp 9, see M.R.]

Subp. 10. **Special requirements for ignitable or reactive waste.** Ignitable or reactive waste must not be placed in a tank unless:

[For text of items A and B, see M.R.]

C. the tank is used solely for emergencies.

The owner or operator of a facility that treats or stores ignitable or reactive waste in a tank shall comply with the requirements for the maintenance of protective distances between the waste management area and any public ways, streets, alleys, or an adjoining property line that can be built upon, as required in the ~~National Fire Protection Association's~~ buffer zone requirements for tanks contained in Tables 2-1 to 2-6 article 79 of the Flammable and Combustible Liquids Minnesota Uniform Fire Code in the National Fire Codes, 1981 issued by the National Fire Protection Association (Quincy, Massachusetts, 1981), as incorporated by reference in part 7510.3310. As required by part 7045.0458, the waste analysis plan must include analyses needed to comply with these special requirements for ignitable or reactive waste. Additional requirements for ignitable and reactive wastes are contained in part 7045.0456, subpart 1. Part 7045.0456, subpart 3 also requires waste analysis, trial tests, or other documentation to ensure compliance with part 7045.0456, subpart 2. As required by part 7045.0478, the owner or operator shall place the results of each waste analysis and trial test, and any documented information, in the operating record of the facility.

[For text of subp 11, see M.R.]

7045.0541 DRIP PADS.

[For text of subpart 1, see M.R.]

Subp. 2. **Leak collection system requirements.** The ~~requirement~~ requirements of *Code of Federal Regulations*, title 40, section 264.573(b)(3), as amended, to ~~install a leak collection system~~ applies apply only to:

[For text of items A and B, see M.R.]

[For text of subps 3 to 6, see M.R.]

7045.0552 FACILITIES GOVERNED BY INTERIM STATUS.

Subpart 1. **General requirements.** Parts 7045.0552 to 7045.0642 establish minimum standards for the management of hazardous waste during the period of interim status and until certification of final closure or, if the facility is subject to postclosure requirements, until postclosure responsibilities are fulfilled. These standards apply to owners and operators of existing facilities who have fully complied with the requirements for state or federal interim status until a permit is issued or until applicable interim status closure and postclosure responsibilities are fulfilled, and those who have failed to achieve state or federal interim status. ~~These standards apply to all treatment, storage, or disposal of hazardous waste at these facilities after July 16, 1984, except as specifically provided otherwise.~~

~~For existing facilities which were not required to obtain federal interim status under the Resource Conservation and Recovery Act, United States Code, title 42, sections 6901 to 6986, as amended through June 30, 1983, but are required to obtain state interim status, the requirements of parts 7045.0590; 7045.0592; 7045.0632, subpart 4, items A and B; 7045.0634, subpart 2; 7045.0638, subparts 2, 7, and 8, become effective 12 months after July 16, 1984, and the requirements of parts 7045.0608 to 7045.0624 become effective 90 days after July 16, 1984.~~

Parts 7045.0552 to 7045.0642 apply to the owners and operators of all facilities that treat, store, or dispose of hazardous waste referred to in parts 7045.1300 to 7045.1380, land disposal restrictions, and those restrictions are considered material conditions or requirements of parts 7045.0552 to 7045.0642, interim status standards.

[For text of subps 1a to 4, see M.R.]

7045.0556 GENERAL FACILITY STANDARDS.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **General inspection requirements.** General inspection requirements are listed in items A to E.

[For text of items A and B, see M.R.]

C. The frequency of inspection may vary for the items on the schedule. However, it must be based on the rate of possible deterioration of the equipment and the probability of an environmental or human health incident if the deterioration or malfunction

or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. The inspection schedule must include the terms and frequencies called for in parts 7045.0626, subpart 5; 7045.0628, subparts 4, ~~5~~, and 7; 7045.0630, subpart 5; 7045.0632, subpart 9; 7045.0634, subpart 4; 7045.0638, subpart 2c; 7045.0640, subpart 4; and 7045.0642, subpart 4; and the process vent and equipment leak standards in *Code of Federal Regulations*, title 40, sections 264.1033, 264.1052, 264.1053, and 264.1058, as amended.

[For text of items D and E, see M.R.]

[For text of subs 6 to 8, see M.R.]

7045.0558 PERSONNEL TRAINING.

[For text of subs 1 to 3, see M.R.]

Subp. 4. **Effective date.** Facility personnel shall successfully complete the program required in subpart 3 ~~by July 16, 1984 or within~~ six months after the date of their employment or assignment to a facility or to a new position at a facility; ~~whichever is later.~~ Facility personnel not subject to the requirements of *Code of Federal Regulations*, title 40, section 265.16 (1983), ~~as amended~~, shall successfully complete the program required in subpart 3 ~~by October 16, 1984, or within~~ six months after the date of their employment or assignment to a facility or assignment to a new position at a facility; ~~whichever is later.~~ Employees hired after July 16, 1984, shall not work in unsupervised positions until they have completed the training requirements of subparts 1 to 3.

[For text of subs 5 to 7, see M.R.]

7045.0562 GENERAL REQUIREMENTS FOR IGNITABLE, REACTIVE, OR INCOMPATIBLE WASTE.

[For text of subpart 1, see M.R.]

Subp. 1a. Segregation of incompatible waste. Hazardous waste that is incompatible with any waste or other materials located nearby must be adequately separated from the other materials or protected from them by means of a dike, berm, wall, or other device.

[For text of subp 2, see M.R.]

Subp. 3. **Documentation of compliance.** When required to comply with ~~subpart 1 or 2~~ this part, the owner or operator shall document that compliance. This documentation may be based on reference to published scientific or engineering literature, data from trial tests, waste analyses, or the results of the treatment of similar wastes by similar treatment processes and under similar operating conditions.

7045.0584 OPERATING RECORD.

[For text of subs 1 and 2, see M.R.]

Subp. 3. **Record information.** The following information must be recorded, as it becomes available, and maintained in the operating record until closure of the facility:

[For text of items A to G, see M.R.]

H. Monitoring, testing, or analytical data, and corrective action where required by parts 7045.0556, subpart 8; 7045.0590, subparts 1, 6, 7, and 8; 7045.0592, subparts 1 and 7; 7045.0628, subparts 2, 4, ~~5~~, and 7; 7045.0630, subparts 2a, 3, and 5; 7045.0632, subparts 4b, 8, and 9; 7045.0634, subparts 4 and 6, item D, subitem (1); 7045.0636; 7045.0638, subparts 2a, 2b, and 2c; and 7045.0640, subpart 4, and the process vent and equipment leak test methods and procedures and record keeping requirements in *Code of Federal Regulations*, title 40, sections 264.1034(c) to (f), 264.1035, 264.1063(d) to (i), and 264.1064, as amended. As required by parts 7045.0590, subparts 6 and 7; and 7045.0592, subpart 7, monitoring data at disposal facilities must be kept throughout the postclosure period.

[For text of items I to P, see M.R.]

7045.0594 CLOSURE.

[For text of subpart 1, see M.R.]

Subp. 2. **Closure performance standard.** The owner or operator shall close the facility in a manner minimizing the need for further maintenance. Closure procedures must result in controlling, minimizing, or eliminating, to the extent necessary to protect human health and the environment, post closure escape of hazardous waste, hazardous constituents, leachate, contaminated runoff,

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or hazardous waste decomposition products to the ground or surface waters or to the atmosphere, in accordance with all closure requirements including the requirements of parts ~~7045.0628, subpart 5~~; 7045.0630, subpart 6; 7045.0632, subpart 7; 7045.0634, subpart 6; 7045.0638, subpart 4; 7045.0640, subpart 5; and 7045.0642, subpart 5.

Subp. 3. **Submittal of closure plan.** The closure plans must be submitted as follows:

A. A copy of the written closure plan and all revisions to the plan must be furnished to the commissioner upon request, including request by mail until final closure is completed and certified. For facilities without approved closure plans, the plan must also be provided to the commissioner as requested, during site inspections on the day of the inspection. The plan must identify steps necessary to perform partial and/or final closure of the facility at any point during its active life. The closure plan must include:

(1) A description of how each hazardous waste management unit will be closed, if applicable, and how the facility will be finally closed, in accordance with subpart 2. The description must identify the maximum extent of the operation which will be unclosed during the active life of the facility and how the requirements of subpart 2, part 7045.0596, and the applicable closure requirements of parts 7045.0626, subpart 8; ~~7045.0628, subpart 5~~; 7045.0630, subpart 6; 7045.0632, subpart 7; 7045.0634, subpart 6; 7045.0638, subpart 4; 7045.0640, subpart 5; 7045.0642, subpart 5; and 7045.0655, subpart 6, will be met;

[For text of subitems (2) to (6), see M.R.]

[For text of items B to F, see M.R.]

[For text of subp 4, see M.R.]

7045.0610 COST ESTIMATE FOR FACILITY CLOSURE.

Subpart 1. **Cost estimate requirements.** The owner or operator shall prepare a detailed written estimate, in current dollars, of the cost of closing the facility in accordance with the closure plan in part 7045.0594 and applicable closure requirements in parts 7045.0626, subpart 8; ~~7045.0628, subpart 5~~; 7045.0630, subpart 6; 7045.0632, subpart 7; 7045.0634, subpart 6; 7045.0638, subpart 4; 7045.0640, subpart 5; and 7045.0642, subpart 5. The closure cost estimate must equal the cost of closure at the point in the facility's operating life when the extent and manner of its operation would make closure the most expensive, as indicated by its closure plan. The closure cost shall be estimated as follows:

[For text of items A to C, see M.R.]

[For text of subps 2 to 4, see M.R.]

7045.0620 LIABILITY REQUIREMENTS.

[For text of subpart 1, see M.R.]

Subp. 2. **Coverage for nonsudden accidental occurrences.** An owner or operator of a surface impoundment, landfill, or land treatment facility which is used to manage hazardous waste, or a group of these facilities, shall demonstrate financial responsibility for bodily damage and property damage to third parties caused by nonsudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator shall have and maintain liability coverage for nonsudden accidental occurrences in the amount of at least \$3,000,000 per occurrence with an annual aggregate of at least \$6,000,000, exclusive of legal defense costs. This liability coverage may be demonstrated in one of three ways as specified in items A, B, and C:

[For text of items A to C, see M.R.]

D. The required liability coverage for nonsudden accidental occurrences must be demonstrated by the dates specified in subitems (1), (2), (3), and (4). The total sales or revenues of the owner or operator in all lines of business, in the fiscal year preceding July 16, 1984, will determine which of the dates applies. If the owner and operator of a facility are two different parties, or if there is more than one owner or operator, the sales or revenues of the owner or operator with the largest sales or revenues determines the date by which the coverage must be demonstrated. The following dates apply:

(1) for an owner or operator not subject to the requirements of *Code of Federal Regulations*, title 40, section 265.147 (1983) with sales or revenues totaling \$10,000,000 or more, six months after July 16, 1984;

(2) for an owner or operator not subject to the requirements of *Code of Federal Regulations*, title 40, section 265.147 (1983) with sales or revenues greater than \$5,000,000 but less than \$10,000,000, 18 months after July 16, 1984.

(3) all other owners or operators not subject to the requirements of *Code of Federal Regulations*, title 40, section 265.147 (1983) 30 months after July 16, 1984;

(4) for an owner or operator subject to the requirements of *Code of Federal Regulations*, title 40, section 265.147 (1983) on the date he or she is required to demonstrate coverage under *Code of Federal Regulations*, title 40, section 265.147 (1983).

E. By the date six months after July 16, 1984, an owner or operator who is within either of the categories in subitem (2) or (3) shall, unless he or she has demonstrated liability coverage for nonsudden accidental occurrences, send a letter to the commissioner, stating the date by which he or she plans to establish the coverage.

[For text of subps 3 to 6, see M.R.]

7045.0628 TANK SYSTEMS.

Subpart 1. **Scope.** This part applies to owners and operators of facilities that use tank systems, including tank systems, sumps, and other such collection devices or systems used in conjunction with drip pads, as defined in part 7045.0020 and regulated under part 7045.0644, to treat or store hazardous waste, except as items A and B and part 7045.0552 provide otherwise.

A. Tank systems that are used to store or treat hazardous waste containing no free liquids and that are located inside a building with an impermeable floor are exempt from the requirements of ~~subparts subpart 4 and 5~~. To demonstrate the absence or presence of free liquids in the stored or treated waste, EPA Method 9095 (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (EPA Publication No. SW-846) must be used.

B. Tank systems, including sumps, as defined in part 7045.0020 that serve as part of a secondary containment system to collect or contain releases of hazardous wastes are exempted from the requirements in ~~subparts subpart 4 and 5~~.

Subp. 2. **Assessment of existing tank system's integrity.** The following requirements apply to existing tank systems:

A. For each existing tank system that does not have secondary containment meeting the requirements of ~~subparts subpart 4 and 5~~, the owner or operator must determine whether the tank system is leaking or is unfit for use. Except as provided in item C, the owner or operator must obtain and keep on file at the facility a written assessment reviewed and certified by an independent, qualified, registered professional engineer that attests to the tank system's integrity. The certification must include the statements in parts 7001.0070 and 7001.0540.

[For text of item B, see M.R.]

C. Owners or operators of tank systems that were required to conduct this assessment by *Code of Federal Regulations*, title 40, section 265.191(a), as amended, must conduct and keep this assessment on file as required by that section. Owners or operators of all other existing tank systems must conduct this assessment by February 8, 1990. Owners or operators of tank systems that store or treat materials that become hazardous wastes must conduct this assessment within 12 months after the date that the waste becomes a hazardous waste.

[For text of item D, see M.R.]

Subp. 3. **Design and installation of new tank systems or components.**

A. Owners or operators of new tank systems or components must ensure that the foundation, structural support, seams, connections, and pressure controls, if applicable, are adequately designed and that the tank system has sufficient structural strength, compatibility with the waste to be stored or treated, and corrosion protection so that it will not collapse, rupture, or fail. The owner or operator must obtain a written assessment reviewed and certified by an independent, qualified, registered professional engineer, attesting that the system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste. Owners or operators of new tank systems that were required to conduct this assessment by *Code of Federal Regulations*, title 40, section 265.192(a), as amended, must conduct and keep this assessment on file as required by that regulation. Owners and operators of other new tank systems shall conduct this assessment by February 8, 1989, and keep it on file at the facility. The certification must include the statements in parts 7001.0070 and 7001.0540. This assessment must include the following information:

[For text of subitems (1) to (6), see M.R.]

[For text of items B to G, see M.R.]

Subp. 4. **Containment and detection of releases.**

A. In order to prevent the release of hazardous waste or hazardous constituents to the environment, secondary containment that meets the requirements of this part must be provided, except as provided in item H₂.

(1) for new tank systems or components, before being put into service;

(2) for an existing tank system that on August 8, 1988, is less than ten years old, by August 8, 1993;

(3) for an existing tank system that on August 8, 1988, is ten or more years old but less than 15 years old, by the date the tank system is 15 years old or by January 12, 1989, whichever is later;

(4) for an existing tank system that on August 8, 1988, is 15 or more years old, by January 12, 1989;

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(5) for an existing tank system for which the age cannot be documented, the tank system must be treated as if it is 15 years old as specified in subitem (4); however, if the owner or operator demonstrates that the age of the tank system does not exceed 15 years, the tank system shall be treated as specified in subitem (2) or (3), as applicable;

(6) for a tank system that stores or treats a material that is not a hazardous waste on August 8, 1988, but which later becomes subject to regulation as a hazardous waste, within two years of the date the material becomes subject to regulation as a hazardous waste; and

(7) for an existing tank system used to store or treat hazardous wastes F020, F021, F022, F023, F026, F027, and F028, listed under part 7045.0135, subpart 2, by January 12, 1989.

[For text of items B to H, see M.R.]

Subp. 5. [See repealer.]

[For text of subps 6 and 7, see M.R.]

Subp. 8. **Responses to leaks or spills and disposition of unfit for use tank systems.** A tank system or secondary containment system from which there has been a leak or spill, or which is unfit for use, must be removed from service immediately, and the owner or operator must satisfy the following requirements:

[For text of items A and B, see M.R.]

C. The owner or operator must immediately conduct a visual inspection of the release and, based upon that inspection:

(1) prevent further migration of the leak or spill to soils or surface water; and

(2) remove, and properly ~~dispose of~~ manage, any visible contamination of the soil or surface water.

D. Notifications, reports.

(1) Any release to the environment must be reported immediately upon detection to the ~~commissioner~~ Minnesota duty officer at (612) 649-5451 or (800) 627-3529 within 24 hours of detection.

[For text of subitems (2) and (3), see M.R.]

E. Provision of secondary containment, repair, or closure.

[For text of subitems (1) to (4), see M.R.]

[For text of item F, see M.R.]

[For text of subp 9, see M.R.]

Subp. 10. **Special requirements for ignitable or reactive waste.** Ignitable or reactive waste must not be placed in a tank unless:

[For text of item A, see M.R.]

B. the waste is stored or treated in such a way that it is protected from any material or conditions which may cause the waste to ignite or react; or

C. the tank is used solely for emergencies.

The owner or operator of a facility which treats or stores ignitable or reactive waste in a tank shall comply with the requirements for the maintenance of protective distances between the waste management area and any public ways, streets, alleys, or an adjoining property line that can be built upon, as required in the ~~National Fire Protection Association's~~ National Fire Protection Association's buffer zone requirements for tanks, contained in ~~Tables 2-1 through 2-6~~ article 79 of the ~~Flammable and Combustible~~ Minnesota Uniform Fire Code, in the ~~National Fire Codes, 1981 issued by the National Fire Protection Association (Quincy, Massachusetts, 1981)~~ as incorporated by reference in part 7510.3310.

[For text of subps 11 and 12, see M.R.]

7045.0629 REQUIREMENTS FOR SMALL QUANTITY AND VERY SMALL QUANTITY GENERATORS THAT ACCUMULATE HAZARDOUS WASTE IN TANKS.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Ignitable and reactive wastes.** Generators regulated under this part must comply with the following special requirements for ignitable or reactive waste:

[For text of item A, see M.R.]

B. The owner or operator of a facility which treats or stores ignitable or reactive waste in covered tanks must comply with the buffer zone requirements for tanks contained in ~~Tables 2-1 to 2-6 of the National Fire Protection Association's~~ Tables 2-1 to 2-6 of the National Fire Protection Association's ~~Flammable and~~

~~Combustible Liquids Code, (1977 or 1981) article 79 of the Minnesota Uniform Fire Code, as incorporated by reference in part 7510.3310.~~

[For text of subp 6, see M.R.]

7045.0644 DRIP PADS.

[For text of subpart 1, see M.R.]

Subp. 2. **Leak collection system requirements.** The requirement of *Code of Federal Regulations*, title 40, section 265.443(b)(3), as amended, ~~to install a leak collection system~~ applies only to:

[For text of items A and B, see M.R.]

Subp. 3. **Indoor drip pads.** The owner or operator of any drip pad that is inside or under a structure that provides protection from precipitation so that neither runoff nor run-on is generated is not subject to regulation under *Code of Federal Regulations*, title 40, section ~~264.573(e)~~ 265.573(e) or ~~264.573(f)~~ 265.573(f), as amended, as appropriate.

Subp. 4. **Incidental drippage in storage yards.** The requirements of *Code of Federal Regulations*, title 40, part ~~264~~ 265, subpart W, as amended, are not applicable to the management of infrequent and incidental drippage in storage yards provided that the owner or operator maintains and complies with a written contingency plan that describes how the owner or operator will respond immediately to the discharge of such infrequent and incidental drippage. At a minimum, the contingency plan must describe how the owner or operator will do the following:

[For text of items A to D, see M.R.]

[For text of subps 5 and 6, see M.R.]

7045.0665 USE CONSTITUTING DISPOSAL.

[For text of subpart 1, see M.R.]

Subp. 1a. Land application prohibition.

~~A. The following materials may not be placed in mixed municipal solid waste or applied as a dust suppressant or used for road treatment, in or on the land, or in or on waters of the state unless approved by the commissioner:~~

- ~~(1) waste oil;~~
- ~~(2) used oil;~~
- ~~(3) hazardous waste; and~~
- ~~(4) a mixture of hazardous waste and other material, waste oil, or used oil.~~

~~B. A person may not otherwise place used or waste oil in or on the land, unless approved by the commissioner. The application of used or waste oil in or on the land shall only be approved in the case of an accidental spill.~~

~~A. hazardous waste; and~~

~~B. a mixture of hazardous waste and other material.~~

[For text of subps 2 to 4, see M.R.]

7045.0692 HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY.

Subpart 1. **Scope.** This part applies to hazardous wastes that are burned for energy recovery in a boiler or industrial furnace that is not regulated by the thermal treatment standards in part 7045.0542 or 7045.0640, except:

[For text of item A, see M.R.]

B. Used oil that exhibits a characteristic of hazardous waste as identified in part 7045.0131, provided that it has not been intentionally mixed with a characteristic hazardous waste, and is regulated as a used oil fuel in ~~part 7045.0695~~ parts 7045.0790 to 7045.0995.

[For text of item C, see M.R.]

D. Mixtures of used oil and waste that is hazardous solely for the characteristic of ignitability in part 7045.0131, subpart 2,

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provided the waste is generated by a person who in a calendar month generates no more than 100 kilograms of hazardous waste. This mixture is regulated as provided in part 7045.0102, ~~subpart 3~~ 7045.0800. If the waste is generated by a person who in a calendar month generates more than 100 kilograms of hazardous waste, part 7045.0102, ~~subpart 3, item A,~~ 7045.0800 applies.

E. Used oil being burned for energy recovery as regulated in part 7045.0695 ~~parts~~ 7045.0790 to 7045.0995.

[For text of subps 2 to 6, see M.R.]

MANAGEMENT OF USED OIL

7045.0790 DEFINITIONS.

Subpart 1. Scope. The following terms used in parts 7045.0790 to 7045.0995 have the meanings given them in this part. Terms defined in part 7045.0020 have the same meanings when used in parts 7045.0790 to 7045.0995. The terms "used oil" and "used oil filters" are defined in part 7045.0020.

Subp. 2. Aboveground tank. "Aboveground tank" means a tank used to store or process used oil that is not an underground storage tank as defined in Code of Federal Regulations, title 40, section 280.12, as amended.

Subp. 3. Container. "Container" means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

Subp. 4. Do-it-yourselfer used oil. "Do-it-yourselfer used oil" means used oil that is derived from households, such as used oil generated by individuals who generate used oil through the maintenance of their personal vehicles, machinery, or equipment.

Subp. 5. Do-it-yourselfer used oil collection center. "Do-it-yourselfer used oil collection center" means any site or facility that accepts or aggregates, or both, and stores used oil collected only from do-it-yourselfer used oil generators.

Subp. 6. Do-it-yourselfer used oil generator. "Do-it-yourselfer used oil generator" means an individual who generates do-it-yourselfer used oil.

Subp. 7. Existing tank. "Existing tank" means a tank that is used for the storage or processing of used oil and that is in operation, or for which installation has commenced on or prior to the effective date of this part. Installation is considered to have commenced if the owner or operator has obtained all federal, state, and local approvals or permits necessary to begin installation of the tank and if either a continuous on-site installation program has begun, or the owner or operator has entered into binding contractual obligations for installation of the tank to be completed within a reasonable time.

Subp. 8. New tank. "New tank" means a tank that will be used to store or process used oil and for which installation has commenced after the effective date of this part.

Subp. 9. Petroleum refining facility. "Petroleum refining facility" means an establishment primarily engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, and lubricants through fractionation and straight distillation of crude oil, redistillation of unfinished petroleum derivatives, cracking, or other processes. Only facilities classified as Standard Industrial Code 2911 are petroleum refining facilities. Rerefineres are not considered petroleum refining facilities.

Subp. 10. Processing. "Processing" means chemical or physical operations designed to produce from used oil, or to make used oil more amenable for production of, fuel oils, lubricants, or other used oil-derived products. Processing includes, but is not limited to: blending used oil with virgin petroleum products, blending used oils to meet the fuel specifications, filtration, simple distillation, chemical or physical separation, and rerefining.

Subp. 11. Rerefining distillation bottoms. "Rerefining distillation bottoms" means the heavy fraction produced by vacuum distillation of filtered and dehydrated used oil. The composition of used oil bottoms varies with column operation and feedstock.

Subp. 12. Tank. "Tank" means any stationary device, designed to contain used oil, which is constructed primarily of nonearthen materials and which provides structural support.

Subp. 13. Used oil aggregation point. "Used oil aggregation point" means any site or facility that accepts, aggregates, and/or stores used oil collected only from other used oil generation sites owned or operated by the owner or operator of the aggregation point in shipments of no more than 55 gallons. Used oil aggregation points may also accept do-it-yourselfer used oil.

Subp. 14. Used oil burner. "Used oil burner" means a facility where used oil not meeting the used oil fuel specifications of part 7045.0840 is burned for energy recovery in devices identified in part 7045.0885.

Subp. 15. Used oil collection center. "Used oil collection center" means any site or facility that is licensed by the commissioner or by a county government to manage used oil and that accepts or aggregates, or both, and stores used oil collected from do-it-yourselfer used oil generators and/or used oil generators regulated under part 7045.0855 who bring used oil to the used oil collection center in shipments of no more than 55 gallons under the provisions of part 7045.0855.

Subp. 16. Used oil fuel marketer. "Used oil fuel marketer" means any person who directs a shipment of off-specification used

oil to a used oil burner, or who first claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications in part 7045.0840.

Subp. 17. Used oil generator. "Used oil generator" means any person, by site, whose act or process produces used oil or other waste contaminated with used oil or whose act first causes used oil or other waste contaminated with used oil to become subject to regulation.

Subp. 18. Used oil processor/rerefiner. "Used oil processor/rerefiner" means a facility that processes used oil.

Subp. 19. Used oil transfer facility. "Used oil transfer facility" means any transportation-related facility, including loading docks, parking areas, storage areas, or other areas, where shipments of used oil are held for more than 24 hours, but not longer than 35 days during the normal course of transportation or prior to an activity performed pursuant to part 7045.0853, subpart 8, item B. Used oil transfer facilities are subject to part 7045.0875.

Subp. 20. Used oil transporter. "Used oil transporter" means any person who transports used oil, any person who collects used oil from more than one used oil generator and transports the collected oil, and owners and operators of used oil transfer facilities.

7045.0795 APPLICABILITY.

Parts 7045.0790 to 7045.0995 identify those materials that are and are not subject to regulation as used oil under parts 7045.0790 to 7045.0995. For reporting purposes, the waste code for used oil and wastes subject to regulation as used oil that are intended for recycling is M100. Parts 7045.0790 to 7045.0995 also identify parties who are subject to the requirements of parts 7045.0790 to 7045.0995 for the used oil activities they perform, and the requirements they must follow.

7045.0800 MIXTURES OF USED OIL AND HAZARDOUS WASTE.

Subpart 1. Generally. Hazardous waste that is to be mixed with used oil is subject to this chapter until it is mixed with used oil. Hazardous wastes that are mixed with used oil are included in the determination of generator size under part 7045.0206 and generator fees under this chapter. After mixing has occurred, the mixture is regulated as specified in this part.

Subp. 2. Listed waste. Mixtures of used oil and hazardous waste that is listed in part 7045.0135 are regulated as the listed waste or wastes that are contained in the mixture, except as specified in subpart 4.

Subp. 3. Rebuttable presumption of mixing. Except as provided in items A and B, used oil containing more than 1,000 ppm total halogens is presumed to have been mixed with a halogenated hazardous waste listed in part 7045.0135, and thus is subject to regulation as a listed hazardous waste. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste. Demonstration must either involve applying knowledge of the source of halogens or the use of an analytical method from SW-846, Edition III, (such as method 8010) as incorporated by reference in part 7045.0065, to show that the used oil does not contain greater than 100 ppm of any individual halogenated hazardous constituent listed in part 7045.0139.

A. Metalworking oils and fluids containing chlorinated paraffins processed through a tolling arrangement described in part 7045.0855, subpart 5, item B, are not presumed to be mixed with halogenated hazardous waste listed in part 7045.0135.

B. Used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs present in the used oil are destined for reclamation are not presumed to be mixed with halogenated hazardous waste listed in part 7045.0135. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

Subp. 4. Characteristic waste. Mixtures of used oil and hazardous waste that solely exhibits one or more of the hazardous waste characteristics identified in part 7045.0131 and mixtures of used oil and hazardous waste that is listed in part 7045.0135 solely because it exhibits one or more of the characteristics of hazardous waste identified in part 7045.0131 are subject to:

A. except as provided in items B, C, and D, regulation as hazardous waste under this chapter, rather than as used oil under parts 7045.0790 to 7045.0995;

B. except as provided in items C and D, regulation as used oil under parts 7045.0790 to 7045.0995, if the resultant mixture does not exhibit any characteristic of hazardous waste identified in part 7045.0131;

C. regulation as used oil under parts 7045.0790 to 7045.0995, if the mixture is of used oil and a waste which is hazardous solely because it exhibits the characteristic of ignitability, provided the resultant mixture does not exhibit the characteristic of ignitability under part 7045.0131, subpart 2; or

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D. regulation as used oil under parts 7045.0790 to 7045.0995 if the following conditions are met:

(1) the mixture is a mixture of a very small quantity generator's hazardous waste and used oil;

(2) the very small quantity generator's hazardous waste is a nonchlorinated, petroleum-based solvent with a flash point of greater than 100 degrees Fahrenheit, and is not a paint waste containing heavy metals found on the list of contaminants for the toxicity characteristic in part 7045.0131, subpart 8, in excess of their maximum concentrations; and

(3) the concentration of hazardous waste in the resulting mixture does not exceed ten percent by volume.

7045.0805 WASTE CONTAINING OR CONTAMINATED WITH USED OIL.

A. Waste contaminated with used oil that is destined for disposal is subject to evaluation under part 7045.0131 to determine if it is hazardous waste, and subsequent appropriate management based on the results of the evaluation, unless the waste is:

(1) recycled as used oil under parts 7045.0790 to 7045.0995; and

(2) rated at at least 5,000 Btus per pound, if recycled by burning for energy recovery.

B. Waste contaminated with used oil must be free of all visible signs of free-flowing oil before leaving the generator's site.

C. Used oil drained or removed from waste contaminated with used oil is subject to regulation as used oil under parts 7045.0790 to 7045.0995.

D. Generators of waste contaminated with used oil that is recycled according to this part are subject to part 7045.0855, subparts 2, 3, and 5, and if burning waste on-site, subpart 4.

E. This part does not apply to used oil filters recycled under the scrap metal exemption of part 7045.0125, subpart 4, item C, and the requirements of part 7045.0995.

7045.0810 MIXTURES OF USED OIL WITH PRODUCTS AND REUSE OF USED OIL.

A. Except as provided in items B and C, mixtures of used oil and fuels or other products are subject to regulation as used oil under parts 7045.0790 to 7045.0995.

B. Mixtures of used oil and diesel fuel mixed on-site by the generator of the used oil for use in the generator's own vehicles are not subject to regulation as used oil under parts 7045.0790 to 7045.0995 once the used oil and diesel fuel have been mixed. Prior to mixing, the used oil is subject to the requirements of part 7045.0855.

C. Persons intending to use used oil or materials contaminated with used oil either as an ingredient in a product or as a product used in a dissimilar manner from the original intended use of the oil must submit information to the commissioner:

(1) explaining how the product will be used in a manner that does not constitute disposal; and

(2) proving that the product will not exhibit the toxicity characteristic of part 7045.0131, subpart 7. Additional proof must be submitted to the commissioner if the source or nature of the used oil used in the product or as the product changes in a manner that may cause the product to exhibit the toxicity characteristic.

D. Used oil that is reused for its original intended purpose or a similar purpose without first being processed is not subject to regulation under this chapter.

7045.0815 MATERIALS DERIVED FROM USED OIL.

A. Materials that are reclaimed from used oil that are used beneficially and are not burned for energy recovery or used in a manner constituting disposal, for example, rerefined lubricants, are considered to be a product and are:

(1) not used oil and thus not subject to parts 7045.0790 to 7045.0995; and

(2) not hazardous waste and thus not subject to this chapter.

B. Materials produced from used oil that are burned for energy recovery (used oil fuels) are subject to regulation as used oil under parts 7045.0790 to 7045.0995, unless the materials meet the fuel specifications of part 7045.0840.

C. Materials derived from used oil that are disposed of or used in a manner constituting disposal are:

(1) not used oil and thus not subject to parts 7045.0790 to 7045.0995; and

(2) wastes subject to evaluation under part 7045.0131 to determine whether or not they are hazardous wastes subject to this chapter.

7045.0820 WASTEWATER.

Wastewater, the discharge of which is subject to regulation under either section 307(b) or 402 of the Clean Water Act, including wastewaters at facilities which have eliminated the discharge of wastewaters, contaminated with de minimis quantities of used oil are not subject to the requirements of parts 7045.0790 to 7045.0995. For purposes of this part, "de minimis quantities of used oil"

means unintentional, unavoidable small spills, leaks, or drippings from pumps, machinery, pipes, and other similar equipment during normal operations or small amounts of used oil lost to the wastewater treatment systems during washing or draining operations. This exception does not apply if the used oil is discarded intentionally or as a result of abnormal manufacturing operations resulting in substantial leaks, spills, or other releases, or to used oil recovered from wastewaters.

7045.0825 USED OIL INTRODUCED INTO CRUDE OIL PIPELINES OR A PETROLEUM REFINING FACILITY.

A. Used oil mixed with crude oil or natural gas liquids (for example, in a production separator or crude oil stock tank) for insertion into a crude oil pipeline is exempt from the requirements of parts 7045.0790 to 7045.0995. The used oil is subject to the requirements of parts 7045.0790 to 7045.0995 prior to the mixing of used oil with crude oil or natural gas liquids.

B. Mixtures of used oil and crude oil or natural gas liquids containing less than one percent used oil that are being stored or transported to a crude oil pipeline or petroleum refining facility for insertion into the refining process at a point prior to crude distillation or catalytic cracking are exempt from the requirements of parts 7045.0790 to 7045.0995.

C. Used oil that is inserted into the petroleum refining facility process before crude distillation or catalytic cracking without prior mixing with crude oil is exempt from the requirements of parts 7045.0790 to 7045.0995, provided that the used oil constitutes less than one percent of the crude oil feed to any petroleum refining facility process unit at any given time. Prior to insertion into the petroleum refining facility process, the used oil is subject to the requirements of parts 7045.0790 to 7045.0995.

D. Except as provided in item E, used oil that is introduced into a petroleum refining facility process after crude distillation or catalytic cracking is exempt from the requirements of parts 7045.0790 to 7045.0995 only if the used oil meets the specifications of part 7045.0840. Prior to insertion into the petroleum refining facility process, the used oil is subject to the requirements of parts 7045.0790 to 7045.0995.

E. Used oil that is incidentally captured by a hydrocarbon recovery system or wastewater treatment system as part of routine process operations at a petroleum refining facility process is exempt from the requirements of parts 7045.0790 to 7045.0995. This exemption does not extend to used oil which is intentionally introduced into a hydrocarbon recovery system, for example, by pouring collected used oil into the wastewater treatment system.

7045.0830 USED OIL ON VESSELS.

Used oil generated on vessels from normal shipboard operations is not subject to parts 7045.0790 to 7045.0995 until it is transported ashore.

7045.0835 USED OIL CONTAINING PCBS.

A. In addition to the requirements of parts 7045.0790 to 7045.0995, marketers and burners of used oil who market used oil containing at least two ppm PCBs are subject to the requirements of *Code of Federal Regulations*, title 40, section 761.20(e), as amended.

B. Used oil containing at least 50 ppm PCBs is subject to the requirements of part 7045.0135, subpart 5.

7045.0840 USED OIL SPECIFICATIONS.

A. Used oil burned for energy recovery, and any fuel produced from used oil by processing, blending, or other treatment, is subject to regulation under parts 7045.0790 to 7045.0995 unless it is shown not to exceed any of the allowable levels in items B and C. Once used oil that is to be burned for energy recovery has been shown not to exceed any of the specifications in items B and C and the person making that showing complies with part 7045.0895, subparts 4, 5, and 6, item B, the used oil is considered on-specification used oil and is no longer subject to parts 7045.0790 to 7045.0995. Used oil to be burned as on-specification used oil must be shown to meet the specifications of items B and C at least once per source. Additional evaluation is not required unless the source of the used oil changes in some manner that may cause used oil from that source to exceed the specifications of item B.

B. Used oil to be burned for energy recovery is considered on-specification if it does not exceed any of the following allowable levels, except as provided in item C:

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CONSTITUENT/PROPERTY

ALLOWABLE LEVEL

<u>Arsenic, total</u>	<u>5 ppm maximum</u>
<u>Cadmium, total</u>	<u>2 ppm maximum</u>
<u>Chromium, total</u>	<u>10 ppm maximum</u>
<u>Lead, total</u>	<u>100 ppm maximum</u>
<u>Flash point</u>	<u>100 degrees Fahrenheit minimum</u>
<u>Halogens, total</u>	<u>1,000 ppm maximum</u>
<u>PCBs, total</u>	<u>2 ppm maximum</u>

C. Used oil that has been shown to not be a hazardous waste under parts 7045.0800, subpart 3, is on-specification used oil if it does not contain more than 4,000 ppm total halogens.

D. Persons who burn used oil that contains PCBs must comply with the requirements of Code of Federal Regulations, title 40, section 761.20(e), as amended.

7045.0845 PROHIBITIONS ON DISPOSAL OF USED OIL.

Subpart 1. Land disposal and land application prohibition. No person shall place used oil in solid waste, apply used oil as a dust suppressant or for road treatment, or otherwise place used oil in or on the land or waters of the state, including wastewater and stormwater collection systems, except as provided in part 7045.0820 or unless approved by the commissioner.

Subp. 2. Burning limitations. Persons shall burn off-specification used oil fuel for energy recovery in only the following devices:

A. industrial furnaces identified in part 7045.0020, subpart 43b;

B. boilers, as defined in part 7045.0020, subpart 6a, items C and D, or used oil-fired burning units provided the burner meets the requirements of part 7045.0855, subpart 4; or

C. hazardous waste incinerators subject to regulation under parts 7045.0542 and 7045.0640.

7045.0855 STANDARDS FOR USED OIL GENERATORS.

Subpart 1. Applicability. Except as provided in items A to C, this part applies to all used oil generators, owners and operators of do-it-yourselfer used oil collection centers, owners and operators of used oil collection centers, and owners and operators of used oil aggregation points. All of these parties may accept do-it-yourselfer used oil.

A. Do-it-yourselfer used oil generators are not subject to parts 7045.0790 to 7045.0995.

B. Vessels at sea or at port are not subject to this part. For purposes of this part, used oil produced on vessels from normal shipboard operations is considered to be generated at the time it is transported ashore. The owner or operator of the vessel and the persons removing or accepting used oil from the vessel are cogenerators of the used oil and are both responsible for managing the waste in compliance with this part once the used oil is transported ashore. The cogenerators may decide among them which party will fulfill the requirements of this part.

C. Farmers who generate an average of no more than 25 gallons per month of used oil from vehicles or machinery used on the farm in a calendar year are not subject to the requirements of parts 7045.0790 to 7045.0995, except for parts 7045.0845, subpart 1, and 7045.0995, subpart 2.

Subp. 2. Licensing. Used oil generators are subject to the licensing requirements of parts 7045.0221 to 7045.0255.

Subp. 3. Storage.

A. Used oil generators shall comply with all applicable spill prevention, control, and countermeasures requirements of Code of Federal Regulations, title 40, part 112, as amended, in addition to the requirements of this part. Used oil generators shall also comply with the underground storage tank standards of Code of Federal Regulations, title 40, part 280, for used oil stored in underground tanks whether or not the used oil exhibits any characteristic of hazardous waste, in addition to the requirements of this part.

B. Used oil generators who store used oil for more than seven days in aboveground tanks of at least 110 gallons in size are subject to parts 7100.0010 to 7100.0090, in addition to the requirements of this part. Used oil generators who store at least 10,000 gallons of used oil at one time are subject to the requirements of Minnesota Statutes, chapter 115E, to prepare and maintain a discharge prevention and response plan, in addition to the requirements of this part. All used oil generators shall comply with the storage and use requirements of article 79 of the Minnesota Uniform Fire Code, as incorporated by reference in part 7510.3310, in addition to the requirements of this part.

C. Used oil generators shall not store used oil in units other than containers or tanks and must ensure that the following

requirements for containers and tanks are met. Containers and tanks used to store used oil at generator sites must be in good condition and not leaking. Containers must be closed, except for containers that receive used oil directly from used oil filter crushing equipment. Containers must be placed on a surface impervious to used oil. Containers, aboveground tanks, and fill pipes of underground tanks used to store used oil at generator sites must be marked with the words "Used Oil."

D. Upon detection of a release of used oil to the environment not subject to the requirements of Code of Federal Regulation, title 40, part 280, subpart F, as amended, a generator must stop the release, contain the released used oil, clean up and manage properly the released used oil and other materials contaminated with used oil, and repair or replace any leaking used oil storage equipment prior to returning it to service to prevent future releases. A generator who disposes more than five gallons of used oil is subject to the notification requirements of Minnesota Statutes, section 115.061.

Subp. 4. On-site burning in small burning units designed to burn used oil. Generators who store used oil in vessels directly connected to burning units shall comply with article 61 of the Minnesota Uniform Fire Code, as incorporated by reference in part 7510.3310. Generators may burn used oil in burning units designed to burn used oil provided that:

A. the unit burns used oil that the owner or operator generates, do-it-yourselfer used oil, used oil proven to be on-specification under part 7045.0840, or used oil aggregated at the site where the unit is located if the site is a used oil aggregation point;

B. the unit burns used oil for energy recovery;

C. the unit is designed to have a maximum capacity of not more than 0.5 million Btus per hour;

D. the combustion gases from the unit are vented to the out-of-doors; and

E. the unit is used in accordance with Minnesota Statutes, section 299F.015.

Subp. 5. Off-site shipments. Except as provided in items A and B, generators must ensure that their used oil is transported only by transporters who have obtained EPA identification numbers.

A. Generators may, without notifying the EPA that they are transporting used oil, transport used oil that is generated at the generator's site; used oil generated at another site by the generator, such as used oil generated by contractors at other businesses from servicing equipment; and do-it-yourselfer used oil to a licensed used oil collection center or a licensed used oil aggregation point owned by the generator provided that the generator transports no more than 55 gallons of used oil at any time in a vehicle owned by the generator or owned by an employee of the generator.

B. Used oil generators may arrange for used oil to be transported by a transporter without an EPA identification number if the used oil is reclaimed under a contractual agreement pursuant to which reclaimed oil is returned by the processor/rerefiner to the generator for use as a lubricant, cutting oil, or coolant. The tolling arrangement contract must indicate the type of oil and the frequency of shipments, that the vehicle used to transport the used oil to the processing/rerefining facility and to deliver recycled used oil back to the generator is owned and operated by the used oil processor/rerefiner, and that the reclaimed oil will be returned to the generator.

C. Used oil generators must keep records, for example, receipts or a log, of every shipment of used oil leaving the generator site. Records for each shipment must include the quantity of used oil shipped, the date of the shipment, and the name and EPA identification number of the transporter, if applicable. Used oil generators must maintain these records at the generator site for a minimum of three years from the date of shipment.

Subp. 6. Hazardous waste mixing.

A. Generators shall not mix hazardous waste with used oil, except as provided in part 7045.0800. The rebuttable presumption of part 7045.0800, subpart 3, applies to used oil managed by generators.

B. Generators that mix hazardous waste with used oil under part 7045.0800 must keep records for each act of mixing of the dates the mixing was performed, the amounts of used oil and hazardous waste mixed together, and the results of any analyses used to determine if the used oil is classified as hazardous waste under part 7045.0800. Hazardous waste mixed with used oil under part 7045.0800 is not exempt from the generator size determination requirements of part 7045.0206, subpart 5, item C.

Subp. 7. Closure.

A. Owners and operators who store or process used oil in aboveground tanks must, at closure of the tank system, remove or decontaminate residues in tanks, contaminated containment system components, contaminated soils, and structures and equipment

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contaminated with used oil and manage them as hazardous waste unless the materials are not hazardous waste under parts 7045.0102 to 7045.0143. If the owner or operator demonstrates that not all contaminated soils can be practicably removed or decontaminated as required in this item, then the owner or operator must close the tank system and perform postclosure care in accordance with the closure and postclosure care requirements of part 7045.0638, subpart 4, that apply to hazardous waste landfills.

B. Owners and operators who store used oil in containers must, at closure, remove containers holding used oils or residues of used oil from the site. The owner or operator must remove or decontaminate used oil residues, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them as hazardous waste unless the materials are not hazardous waste under parts 7045.0102 to 7045.0143.

Subp. 8. Other applicable provisions. Used oil generators who conduct the following activities are subject to the requirements of other applicable provisions of parts 7045.0790 to 7045.0995 as indicated in items A to D.

A. Generators who transport used oil, except under subpart 5, item A, must also comply with part 7045.0865.

B. Except as provided in this item, generators who process or rerefine used oil must also comply with part 7045.0875. Generators or agents of generators who perform the following activities are not processors provided the used oil is generated on site and is not being sent off site to a burner of on-specification or off-specification used oil fuel: on-site filtering, cleaning, or otherwise reconditioning used oil before on site reuse by the generator; separating used oil from wastewater generated on site to make the wastewater acceptable for discharge or reuse pursuant to section 307(b) or 402 of the Clean Water Act or other applicable federal or state regulations governing the management or discharge of wastewaters; using oil mist collectors to remove small droplets of used oil from in-plant air to make plant air suitable for continued recirculation; draining or otherwise removing used oil from materials containing or otherwise contaminated with used oil in order to remove excessive oil to the extent possible pursuant to part 7045.0805; and filtering, separating, or otherwise reconditioning used oil before burning in accordance with subpart 4.

C. Generators who burn off-specification used oil for energy recovery, except under the on-site burner provisions of subpart 4 must also comply with part 7045.0885.

D. Generators who direct shipments of off-specification used oil from their facility to a used oil burner or first claim that the used oil that is to be burned meets the used oil fuel specifications in part 7045.0840 must also comply with part 7045.0895.

7045.0865 STANDARDS FOR USED OIL TRANSPORTERS AND TRANSFER FACILITIES.

Subpart 1. Applicability. Except as provided in this subpart, this part applies to all used oil transporters.

A. This part does not apply to on-site transportation of used oil.

B. This part does not apply to generators who transport shipments of used oil in accordance with part 7045.0855, subpart 5, item A.

C. This part does not apply to transportation of do-it-yourselfer used oil to a regulated used oil generator, collection center, aggregation point, processor/rerefiner, or burner subject to the requirements of parts 7045.0790 to 7045.0995. Except as provided in items A and B, this part does apply to transportation of collected do-it-yourselfer used oil from regulated used oil generators, collection centers, aggregation points, or other facilities where do-it-yourselfer used oil is collected.

Subp. 2. Imports and exports. Transporters who import used oil from abroad or export used oil outside of the United States are subject to the requirements of this part from the time the used oil enters and until the time it exits the United States.

Subp. 3. Trucks used to transport hazardous waste. Unless trucks previously used to transport hazardous waste are emptied as described in part 7045.0127 prior to transporting used oil, the used oil is considered to have been mixed with a hazardous waste and the used oil transporter must manage the mixture as a hazardous waste unless, under the provisions of part 7045.0800, the mixture is determined not to be hazardous waste.

Subp. 4. Restrictions on transporters who are not also processors or rerefiners.

A. Used oil transporters may consolidate or aggregate loads of used oil for purposes of transportation. However, except as provided in items B and C, used oil transporters must not process used oil unless they also comply with the requirements for processors/rerefiners in part 7045.0875.

B. Transporters may conduct incidental processing operations that occur in the normal course of used oil transportation (for example, settling, particulate filtering, and water separation), but shall not conduct processing operations that are designed to produce or make used oil more amenable for the production of used oil-derived products.

C. Transporters may remove used oil from oil-bearing electrical transformers and turbines and filter the used oil at the site of generation or at a transfer facility prior to returning the used oil to its original use.

Subp. 5. Notification. Used oil transporters who have not notified the United States Environmental Protection Agency that they are transporters of used oil must submit a completed EPA form 8700-12 to EPA indicating their used oil transportation activities.

Subp. 6. Used oil transportation.

A. A used oil transporter must deliver all used oil received to either another used oil transporter with an EPA identification number, a used oil processor/refiner with an EPA identification number, an off-specification used oil burner facility with an EPA identification number, or an on-specification used oil burner facility.

B. Used oil transporters must comply with all applicable requirements under the United States Department of Transportation regulations in *Code of Federal Regulations*, title 49, parts 171 to 180, as amended. Persons transporting used oil that meets the definition of a hazardous material in *Code of Federal Regulations*, title 49, section 171.8, must comply with all applicable regulations in *Code of Federal Regulations*, title 49, parts 171 to 180, as amended.

Subp. 7. Used oil discharges.

A. Transporters who transport more than 10,000 gallons of used oil per month are subject to the requirements of *Minnesota Statutes*, chapter 115E, for preparedness to respond to discharges.

B. In the event of a discharge of used oil during transportation, the transporter must take appropriate immediate action to protect human health and the environment (for example, notify local authorities, dike the discharge area). Used oil transporters are subject to the requirements of *Minnesota Statutes*, section 115.061, and chapter 115E. In the event of a discharge of more than five gallons of used oil during transportation, the transporter must report the discharge to the state duty officer at (612) 649-5451 or (800) 422-0798.

C. If a discharge of used oil occurs during transportation and a government official acting within the scope of official responsibilities determines that immediate removal of the used oil is necessary to protect human health or the environment, that official may authorize the removal of the used oil by transporters who do not have EPA identification numbers.

D. An air, rail, highway, or water transporter who has discharged used oil must give notice, if required by *Code of Federal Regulations*, title 49, section 171.15, as amended, to the National Response Center (800) 424-8802, and report in writing as required by *Code of Federal Regulations*, title 49, section 171.16, as amended, to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590.

E. A water transporter who has discharged used oil must give notice as required by *Code of Federal Regulations*, title 33, section 153.203, as amended.

F. A transporter must clean any used oil discharge that occurs during transportation or take such actions as may be required or approved by federal, state, or local officials so that the used oil discharge no longer presents a hazard to human health or the environment.

Subp. 8. Rebuttable presumption for used oil.

A. To ensure that used oil is not a hazardous waste under the rebuttable presumption of part 7045.0800, subpart 3, the used oil transporter must determine whether the total halogen content of used oil being transported or stored at a transfer facility is above or below 1,000 ppm, unless the used oil is exempt from the rebuttable presumption by part 7045.0800, subpart 3, items A and B.

B. The transporter must make this determination by testing the used oil, or by applying knowledge of the halogen content of the used oil in light of the materials or processes used in generating the used oil.

C. If the used oil contains at least 1,000 ppm total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in part 7045.0135. The owner or operator may rebut the presumption by demonstrating that the used oil does not contain hazardous waste as allowed for in part 7045.0800, subpart 3.

D. The transporter must maintain records of analyses conducted or information used to comply with items A to C for at least three years.

Subp. 9. Used oil storage at transfer facilities. This subpart applies to used oil transfer facilities where used oil is stored for more than 24 hours and no more than 35 days. Transfer facilities where used oil is stored for more than 35 days are subject to regulation under part 7045.0875.

A. Used oil transporters shall comply with all applicable spill prevention, control, and countermeasures requirements of *Code of Federal Regulations*, title 40, part 112, as amended, in addition to the requirements of this part. Used oil transporters shall also comply with the underground storage tank standards of *Code of Federal Regulations*, title 40, part 280, as amended, for used oil

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stored in underground tanks whether or not the used oil exhibits any characteristic of hazardous waste, in addition to the requirements of this part.

B. Used oil transporters who store used oil for more than seven days in aboveground tanks of at least 110 gallons in size are subject to parts 7100.0010 to 7100.0090, in addition to the requirements of this part. Used oil transporters who store at least 10,000 gallons of used oil at one time are subject to the requirements of Minnesota Statutes, chapter 115E, to prepare and maintain a discharge prevention and response plan, in addition to the requirements of this part. All used oil transporters shall comply with the storage and use requirements of article 79 of the Minnesota Uniform Fire Code, as incorporated by reference in part 7510.3310, in addition to the requirements of this part.

C. Used oil transporters shall not store used oil in units other than containers or tanks and shall ensure that the following requirements for containers and tanks are met. Containers and tanks used to store used oil at transfer facilities must be in good condition, not leaking, and closed. Containers must be equipped with a secondary containment system consisting of dikes, berms, or retaining walls and a floor that covers the entire area within the dikes, berms, or retaining walls, or an equivalent secondary containment system. The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water. Containers, aboveground tanks, and fill pipes of underground tanks used to store used oil at transfer facilities must be marked with the words "Used Oil." Aboveground tanks used to store used oil at transfer facilities are subject to the secondary containment requirements of parts 7100.0010 to 7100.0090. Double-walled tanks meet this secondary containment requirement.

D. Upon detection of a release of used oil to the environment not subject to the requirements of Code of Federal Regulations, title 40, part 280, subpart F, as amended, a transporter must stop the release, contain the released used oil, clean up, and manage properly the released used oil and other materials contaminated with used oil, and repair or replace any leaking used oil storage equipment prior to returning it to service to prevent future releases. A transporter who discharges more than five gallons of used oil is subject to the notification requirements of Minnesota Statutes, section 115.061.

Subp. 10. Tracking. Used oil transporters must maintain the records listed in this subpart for at least three years. Upon request of the commissioner, the transporter must supply information regarding the amount of used oil collected in the previous calendar year.

A. Used oil transporters must keep a record of each used oil shipment accepted for transport. Records for each shipment must include: the name, address, and identification number of the generator, transporter, or processor/rerefiner who provided the used oil for transport; the quantity of used oil accepted; the date of acceptance; and, except for intermediate rail transporters, the signature, dated upon receipt of the used oil, of a representative of the generator, transporter, or processor/rerefiner who provided the used oil for transport.

B. Used oil transporters must keep a record of each shipment of used oil that is delivered to another used oil transporter, or to a used oil burner, processor/rerefiner. Records of each delivery must include: the name and address of the receiving facility or transporter; the EPA identification number of the receiving facility or transporter; the quantity of used oil delivered; the date of delivery; and, except for intermediate rail transporters, the signature, dated upon receipt of the used oil, of a representative of the receiving facility or transporter.

C. Used oil transporters must maintain the records described in item B for each shipment of used oil to any foreign country.

Subp. 11. Receipts. Used oil transporters must provide receipts to all parties from which they accept used oil. The receipts must clearly indicate the name, address, and EPA identification number of the transporter, the date of acceptance, and the quantity of used oil accepted.

Subp. 12. Management of residues. Transporters who generate residues from the storage or transport of used oil must manage the residues as specified in part 7045.0815.

Subp. 13. Closure.

A. Owners and operators who store or process used oil in aboveground tanks must, at closure of the tank system, remove or decontaminate residues in tanks, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil and manage them as hazardous waste unless the materials are not hazardous waste under parts 7045.0102 to 7045.0143. If the owner or operator demonstrates that not all contaminated soils can be practicably removed or decontaminated as required in this item, then the owner or operator must close the tank system and perform postclosure care in accordance with the closure and postclosure care requirements of part 7045.0638, subpart 4, that apply to hazardous waste landfills.

B. Owners and operators who store used oil in containers must, at closure, remove containers holding used oils or residues of used oil from the site. The owner or operator must remove or decontaminate used oil residues, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them as hazardous waste unless the materials are not hazardous waste under parts 7045.0102 to 7045.0143.

Subp. 14. Other applicable provisions. Used oil transporters who conduct the following activities are also subject to other applicable provisions of this part as indicated in items A to D.

A. Transporters who generate used oil must also comply with part 7045.0855.

B. Transporters who process or rerefine used oil, except as provided in subpart 4, must also comply with part 7045.0875.

C. Transporters who burn off-specification used oil for energy recovery must also comply with part 7045.0885.

D. Transporters who direct shipments of off-specification used oil from their facility to a used oil burner or first claim that the used oil that is to be burned meets the used oil fuel specifications in part 7045.0840 must also comply with part 7045.0895.

7045.0875 STANDARDS FOR USED OIL PROCESSORS AND REREFINERS.

Subpart 1. Applicability. The requirements of this part apply to owners and operators of facilities that process used oil. The requirements of this part do not apply to:

A. transporters that conduct incidental processing operations that occur during the normal course of transportation as provided in part 7045.0865, subpart 4; and

B. burners that conduct incidental processing operations that occur during the normal course of used oil management prior to burning as provided in part 7045.0885, subpart 3.

Subp. 2. Notification. Used oil processors/rerefiners who have not notified the EPA that they are processors/rerefiners of used oil must submit a completed EPA form 8700-12 to EPA indicating their used oil processing/rerefining activities.

Subp. 3. Preparedness and prevention. Owners and operators of used oil processing and rerefining facilities must comply with the requirements in this subpart:

A. Facilities must be maintained and operated by the owner or operator to minimize the possibility of a fire, explosion, or an unplanned release of used oil to air, soil, or surface water which could threaten human health or the environment.

B. Owners and operators must ensure that facilities are equipped with the following equipment, unless none of the hazards posed by used oil handled at the facility could require a particular kind of equipment specified in this item:

(1) an internal communications or alarm system capable of providing immediate emergency voice or signal instruction to facility personnel;

(2) a device, such as a telephone immediately available at the scene of operation or a hand held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or state or local emergency response teams;

(3) portable fire extinguishers, fire control equipment, spill control equipment, and decontamination equipment; and

(4) water at adequate volume and pressure to supply water hose streams, foam producing equipment, automatic sprinklers, or water spray systems.

C. All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained by the owner or operator as necessary to ensure their proper operation in time of emergency.

D. Whenever used oil is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required in item B. If there is ever only one employee on the premises while the facility is operating, the employee must have immediate access to a device, such as a telephone immediately available at the scene of operation or a hand held two-way radio, capable of summoning external emergency assistance, unless such a device is not required in item B.

E. The owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

F. The owner or operator must attempt to make the arrangements described in this item, as appropriate for the type of used oil handled at the facility and the potential need for the services of these organizations.

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(1) The owner or operator must attempt to make arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of used oil handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes. Where more than one police and fire department might respond to an emergency, the owner or operator must attempt to make agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority. The owner or operator must attempt to make agreements with state emergency response teams, emergency response contractors, and equipment suppliers. The owner or operator must attempt to make arrangements to familiarize local hospitals with the properties of used oil handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility.

(2) Where state or local authorities decline or accept to enter into such arrangements, the owner or operator must document the refusal or acceptance in the operating record.

G. Owners and operators of used oil processing and rerefining facilities must comply with the requirements described in this item.

(1) Each owner or operator must have a contingency plan for the facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned release of used oil to air, soil, or surface water. The owner or operator must carry out the provisions of the plan immediately whenever there is a fire, explosion, or release of used oil which could threaten human health or the environment.

(2) The contingency plan must describe the actions facility personnel must take to comply with subitems (1) and (6) in response to fires, explosions or any unplanned release of used oil to air, soil, or surface water at the facility. If the owner or operator has already prepared a Spill Prevention, Control, and Countermeasures (SPCC) Plan in accordance with Code of Federal Regulations, title 40, part 112 or 1510, as amended, a prevention and response plan under Minnesota Statutes, chapter 115E, or some other emergency or contingency plan, the owner or operator need only amend that plan to incorporate used oil management provisions that are sufficient to comply with the requirements of parts 7045.0790 to 7045.0995. The plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and state and local emergency response teams to coordinate emergency services, pursuant to item F. The plan must list the up-to-date names, addresses, and telephone numbers, both office and home, of all persons qualified to act as emergency coordinator. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates. The plan must include an up-to-date list of all emergency equipment at the facility, where this equipment is required. In addition, the plan must include the location and a physical description of each item on the list and its capabilities. The plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes.

(3) The owner or operator must maintain a copy of the contingency plan and all revisions to the plan at the facility, and submit copies of the plan to all local police departments, fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services.

(4) The owner or operator must review and immediately amend the contingency plan, if necessary, whenever applicable regulations are revised, the plan fails in an emergency; the facility's design, operation, construction, maintenance, or other aspects change in a way that materially increases the potential for fires, explosions, releases of used oil, or changes the response necessary in an emergency; the list of emergency coordinators changes; or the list of emergency equipment changes.

(5) At all times, there must be at least one employee either on the facility premises or available to respond to an emergency by reaching the facility in a short period of time with the responsibility for coordinating all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristic of used oil handled, the location of all records within the facility, and facility layout. In addition, the owner or operator must have the authority to commit the resources needed to carry out the contingency plan.

(6) Whenever there is an imminent or actual emergency situation, the emergency coordinator, or the designee when the emergency coordinator is on-call, must immediately activate internal facility alarms or communications systems where applicable to notify all facility personnel, and notify appropriate state or local agencies with designated response roles if their help is needed. Whenever there is a release, fire, or explosion, the emergency coordinator must immediately identify the character, exact source, amount, and extent of any released materials. The emergency coordinator may do this by observation or review of facility records of manifests and, if necessary, by chemical analysis.

Concurrently, the emergency coordinator must assess possible hazards to human health and the environment that may result from the release, fire, or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion for example, effects of released gases or water runoff from fire control measures.

If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health

or the environment outside the facility, such findings must be reported as follows. If the assessment indicates that evacuation of local areas may be advisable, the coordinator must immediately notify appropriate local authorities. The emergency coordinator must be available to help appropriate officials decide whether local areas should be evacuated. The emergency coordinator must immediately notify either the government official designated as the on-scene coordinator for the geographical area in the applicable regional contingency plan under Code of Federal Regulations, title 40, part 1510, as amended, or the National Response Center at (800) 424-8802. The report must include: name and telephone number of the reporter; name and address of facility; time and type of incident; name and quantity of materials involved, to the extent known; the extent of injuries, if any; and the possible hazards to human health and the environment outside the facility.

During an emergency, the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other used oil or hazardous waste at the facility. These measures must include, where applicable, stopping processes and operation, collecting and containing released used oil, and removing or isolating containers.

If the facility stops operation in response to a fire, explosion, or release, the emergency coordinator must monitor for leaks, pressure build-up, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate. Immediately after an emergency, the emergency coordinator must provide for recycling, storing, or disposal of recovered used oil, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility.

The emergency coordinator must ensure that, in the affected areas of the facility, no waste or used oil that may be incompatible with the released material is recycled, treated, stored, or disposed of until cleanup procedures are completed, and all emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed. The owner or operator must notify the commissioner, and appropriate state and local authorities, that the facility is in compliance with this subitem before operations are resumed in the affected areas of the facility.

The owner or operator must note in the operating record the time, date, and details of any incident that requires implementation of the contingency plan. Within 15 days after the incident, the emergency coordinator must submit a written report on the incident to the commissioner. The report must include: the name, address, and telephone number of the owner or operator; the name, address, and telephone number of the facility; the date, time, and type of incident; the name and quantity of materials involved; the extent of injuries, if any; an assessment of actual or potential hazards to human health and the environment, where applicable; and the estimated quantity and disposition of recovered material that resulted from the incident.

Subp. 4. Rebuttable presumption for used oil.

A. To ensure that used oil managed at a used oil processing/rerefining facility is not a hazardous waste under the rebuttable presumption of part 7045.0800, subpart 3, the used oil processor/rerefiner must determine whether the total halogen content of used oil managed at the facility is above or below 1,000 ppm, unless the used oil is exempt from the rebuttable presumption by part 7045.0800, subpart 3, items A and B.

B. The used oil processor/rerefiner must make this determination by testing the used oil, or by applying knowledge of the halogen content of the used oil in light of the materials or processes used in generating the used oil.

C. If the used oil contains at least 1,000 ppm total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in part 7045.0135. The used oil processor/rerefiner may rebut the presumption by demonstrating that the used oil does not contain hazardous waste as allowed for in part 7045.0800, subpart 2.

D. The used oil processor/rerefiner must maintain records of analyses conducted or information used to comply with items A to C for at least three years.

Subp. 5. Used oil storage and management.

A. Used oil processors/rerefiners shall comply with all applicable spill prevention, control, and countermeasures requirements of Code of Federal Regulations, title 40, part 112, as amended, in addition to the requirements of this part. Used oil processors/rerefiners shall also comply with the underground storage tank standards of Code of Federal Regulations, title 40, part 280, as amended, for used oil stored in underground tanks whether or not the used oil exhibits any characteristic of hazardous waste, in addition to the requirements of this part.

B. Used oil processors/rerefiners who store used oil for more than seven days in aboveground tanks of at least 110 gallons in size are subject to parts 7100.0010 to 7100.0090, in addition to the requirements of this part. Used oil processors/rerefiners who

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store at least 10,000 gallons of used oil at one time are subject to the requirements of Minnesota Statutes, chapter 115E, to prepare and maintain a discharge prevention and response plan, in addition to the requirements of this part. All used oil processors/rerefiners shall comply with the storage and use requirements of article 79 of the Minnesota Uniform Fire Code, as incorporated by reference in part 7510.3310, in addition to the requirements of this part.

C. Used oil processors/rerefiners shall not store used oil in units other than containers or tanks and shall ensure that the following requirements for containers and tanks are met. Containers and tanks used to store used oil at processing/rerefining facilities must be in good condition, not leaking, and closed. Containers must be equipped with a secondary containment system. The secondary containment system must consist of, at a minimum, dikes, berms, or retaining walls, and a floor which covers the entire area within the dike, berm, or retaining wall. An equivalent secondary containment system may be used for containers. The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water. Containers, aboveground tanks, and fill pipes of underground tanks used to store used oil at transfer facilities must be marked with the words "Used Oil." Aboveground tanks used to store used oil at transfer facilities are subject to the secondary containment requirements of parts 7100.0010 to 7100.0090. Double-walled tanks meet this secondary containment requirement.

D. Upon detection of a release of used oil to the environment not subject to the requirements of Code of Federal Regulations, title 40, part 280, subpart E, as amended, a processor/rerefiner must stop the release, contain the released used oil, clean up and properly manage the released used oil and other materials contaminated with used oil, and repair or replace any leaking used oil storage equipment prior to returning it to service to prevent future releases. A processor/rerefiner who discharges more than five gallons of used oil is subject to the notification requirements of Minnesota Statutes, section 115.061.

E. Closure:

(1) Owners and operators who store or process used oil in aboveground tanks must, at closure of the tank system, remove or decontaminate residues in tanks, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them as hazardous waste unless the materials are not hazardous waste under parts 7045.0102 to 7045.0143. If the owner or operator demonstrates that not all contaminated soils can be practicably removed or decontaminated as required in this subitem, then the owner or operator must close the tank system and perform postclosure care in accordance with the closure and postclosure care requirements of part 7045.0638, subpart 4, that apply to hazardous waste landfills.

(2) Owners and operators who store used oil in containers must, at closure, remove containers holding used oils or residues of used oil from the site. The owner or operator must remove or decontaminate used oil residues, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them as hazardous waste unless the materials are not hazardous waste under parts 7045.0102 to 7045.0143.

Subp. 6. Analysis plan. Owners and operators of used oil processing and rerefining facilities must develop and follow a written analysis plan in accordance with items A and B describing the procedures that will be used to comply with the total halogen analysis requirements of subpart 4, and, if applicable, the fuel specification analysis requirements of part 7045.0895, subpart 4. The owner or operator must keep the plan at the facility.

A. The plan must specify whether sample analyses or knowledge of the halogen content of the used oil will be used to make the determination of the content and source of halogens in used oil.

If sample analyses are used to make this determination, the sampling method used to obtain representative samples to be analyzed must be specified in the plan. A representative sample may be obtained using either one of the sampling methods in Code of Federal Regulations, title 40, part 261, Appendix I, as amended, or a method shown to be equivalent under part 7045.0075, subpart 1. The plan must specify the frequency of sampling to be performed, whether the analysis will be performed on-site or off-site, and the methods used to analyze used oil for parameters specified in subpart 4.

The plan must also specify the type of information that will be used to determine the halogen content of the used oil.

B. The plan must specify whether sample analyses or other information will be used to make the determination of whether the used oil meets the used oil fuel specifications.

If sample analyses are used to make this determination, the sampling method used to obtain representative samples to be analyzed must be specified in the plan. A representative sample may be obtained using either one of the sampling methods in Code of Federal Regulations, title 40, part 261, Appendix I, as amended, or a method shown to be equivalent under part 7045.0075, subpart 1. The plan must specify whether used oil will be sampled and analyzed prior to or after any processing/rerefining, the frequency of sampling to be performed, whether the analysis will be performed on-site or off-site, and the methods used to analyze used oil for parameters specified in part 7045.0895, subpart 4.

The plan must also specify the type of information that will be used to determine the halogen content of the used oil.

Subp. 7. Tracking.

A. Used oil processors/rerefiners must keep a record of each used oil shipment accepted for processing/rerefining. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping documents. Records for each shipment must include the following information:

- (1) the name and address of the transporter who delivered the used oil to the processor/rerefiner;
- (2) the name and address of the generator or processor/rerefiner from whom the used oil was sent for processing/rerefining, if applicable;
- (3) the EPA identification number of the transporter who delivered the used oil processor/rerefiner;
- (4) the EPA identification number of the generator or processor/rerefiner from whom the used oil was sent for processing/rerefining, if applicable;
- (5) the quantity of used oil accepted; and
- (6) the date of acceptance.

B. Used oil processors/rerefiners must keep a record of each shipment of used oil that is shipped to a used oil burner or processor/rerefiner. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping documents. Records of each shipment must include the following information:

- (1) the name and address of the transporter who delivers the used oil to the burner or processor/rerefiner;
- (2) the name and address of the burner or processor/rerefiner who will receive the used oil;
- (3) the EPA identification of the used oil transporter who delivers the used oil to the burner or processor/rerefiner;
- (4) the EPA identification number of the burner or processor/rerefiner who will receive the used oil;
- (5) the quantity of used oil shipped; and
- (6) the date of shipment.

C. Used oil processors/rerefiners must maintain the records described in items A and B for at least three years.

Subp. 8. Operating record and reporting.

A. The owner or operator must keep a written operating record at the facility. The following information must be recorded, as it becomes available, and maintained in the operating record until closure of the facility:

- (1) records and results of used oil analyses performed as described in the analysis plan required under subpart 6; and
- (2) summary reports and details of all incidents that require implementation of the contingency plan as specified under subpart 3, item G.

B. A used oil processor/rerefiner must report to the commissioner, in the form of a letter, on a biennial basis (by March 1 of each even-numbered year), the following information concerning used oil activities during the previous calendar year:

- (1) the EPA identification number, name, and address of the processor/rerefiner;
- (2) the calendar year covered by the report; and
- (3) the quantities of used oil accepted for processing/rerefining and the manner in which the used oil is processed/rerefined, including the specific process employed.

Subp. 9. Off-site shipments of used oil. Used oil processors/rerefiners who initiate shipments of used oil off-site must ship the used oil using a used oil transporter who has obtained an EPA identification number.

Subp. 10. Management of residues. Owners and operators who generate residues from the storage, processing, or rerefining of used oil must manage the residues as specified in part 7045.0815.

Subp. 11. Other applicable provisions. Used oil processors/rerefiners who conduct the following activities are also subject to the requirements of other applicable provisions of parts 7045.0790 to 7045.0995 as follows:

- A. processors/rerefiners who generate used oil must also comply with part 7045.0855;
- B. processors/rerefiners who transport used oil must also comply with part 7045.0865;

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C. except for used oil processors/rerefiners that burn used oil in an on-site burning unit that meets the requirements of part 7045.0855, subpart 4, or that burn used oil for purposes of processing used oil (which is considered burning incidentally to used oil processing), used oil processors/rerefiners who burn off-specification used oil for energy recovery must also comply with part 7045.0885; and

D. processors/rerefiners who direct shipments of off-specification used oil from their facility to a used oil burner or first claim that the used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in part 7045.0840 must also comply with part 7045.0895.

7045.0885 STANDARDS FOR USED OIL BURNERS WHO BURN OFF-SPECIFICATION USED OIL FOR ENERGY RECOVERY.

Subpart 1. Applicability. The requirements of this part apply to used oil burners, except persons or facilities burning used oil under the following conditions:

A. the used oil is burned by the generator in an on-site burning unit under the provisions of part 7045.0855, subpart 4;

B. the used oil is burned by a processor/rerefiner for purposes of processing used oil which is considered burning incidentally to used oil processing; or

C. the used oil meets the used oil fuel specifications of part 7045.0840, provided that the burner complies with the requirements of part 7045.0895.

Subp. 2. Restrictions on burning. No person shall burn off-specification used oil fuel for energy recovery in other than the following devices:

A. industrial furnaces defined in part 7045.0020, subpart 43b;

B. boilers, as defined in part 7045.0020, subpart 6a;

C. used oil-fired burning units provided the unit meets the provisions of part 7045.0855, subpart 4; or

D. hazardous waste incinerators subject to regulation under part 7045.0542 or 7045.0640.

Subp. 3. Restrictions on processing. Used oil burners may not process used oil unless they also comply with the requirements of this part, with the following exception. Used oil burners may aggregate off-specification used oil with virgin oil or on-specification used oil for purposes of burning, but must not aggregate for purposes of producing on-specification used oil.

Subp. 4. Notification. Used oil burners who have not notified the United States Environmental Protection Agency that they are burners of used oil must submit a completed EPA form 8700-12 to EPA indicating their used oil burning activities.

Subp. 5. Rebuttable presumption for used oil.

A. To ensure that used oil managed at a used oil burning facility is not a hazardous waste under the rebuttable presumption of part 7045.0800, subpart 3, the used oil burner must determine whether the total halogen content of used oil managed at the facility is above or below 1,000 ppm, unless the used oil is exempt from the rebuttable presumption by part 7045.0800, subpart 3, items A and B.

B. The burner must make this determination by testing the used oil, by applying knowledge of the halogen content of the used oil in light of the materials or processes used in generating the used oil. If the used oil has been received from a processor/rerefiner subject to regulation under this part, by using information provided by the processor/rerefiner.

C. If the used oil contains at least 1,000 ppm total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in part 7045.0135. The owner or operator may rebut the presumption by demonstrating that the used oil does not contain hazardous waste as allowed for in part 7045.0800, subpart 3.

D. Records of analyses conducted or information used to comply with items A to C must be maintained by the burner for at least three years.

Subp. 6. Used oil storage.

A. Applicability of federal storage regulations. Used oil burners must comply with all applicable spill prevention, control, and countermeasures requirements of Code of Federal Regulations, title 40, part 112, as amended, in addition to the requirements of this subpart. Used oil burners must comply with the underground storage tank standards of Code of Federal Regulations, title 40, part 280, as amended, for used oil stored in underground tanks whether or not the used oil exhibits any characteristic of hazardous waste, in addition to the requirements of this part.

B. Used oil burners who store used oil for more than seven days in aboveground tanks of at least 110 gallons in size are subject to parts 7100.0010 to 7100.0090, in addition to the requirements of this subpart. Used oil burners who store at least 10,000 gallons of used oil at one time are subject to the requirements of Minnesota Statutes, chapter 115E, to prepare and maintain a dis-

charge prevention and response plan, in addition to the requirements of this part. All used oil burners shall comply with the storage and use requirements of article 79 of the Minnesota Uniform Fire Code, as incorporated by reference in part 7510.3310, in addition to the requirements of this part.

C. Used oil burners shall not store used oil in units other than containers or tanks and must ensure that the following requirements for containers and tanks are met. Containers and tanks used to store used oil at burning facilities must be in good condition, not leaking, and closed. Containers must be equipped with a secondary containment system. The secondary containment system must consist of, at a minimum, dikes, berms, or retaining walls, and a floor which covers the entire area within the dike, berm, or retaining wall. An equivalent secondary containment system may be used for containers. The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water. Containers, aboveground tanks, and fill pipes of underground tanks used to store used oil at transfer facilities must be marked with the words "Used Oil." Aboveground tanks used to store used oil at burning facilities are subject to the secondary containment requirements of parts 7100.0010 to 7100.0090. Double-walled tanks meet this secondary containment requirement.

D. Upon detection of a release of used oil to the environment not subject to the requirements of Code of Federal Regulations, title 40, part 280, subpart F, as amended, a burner must stop the release, contain the released used oil, clean up and properly manage the released used oil and other materials contaminated with used oil, and repair or replace any leaking used oil storage equipment prior to returning it to service to prevent future releases. A burner who discharges more than five gallons of used oil is subject to the notification requirements of Minnesota Statutes, section 115.061.

Subp. 7. Tracking and acceptance. Used oil burners must keep a record of each used oil shipment accepted for burning. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping documents. Used oil burners must maintain these records for at least three years. Upon request of the commissioner, the burner must supply information regarding the amount of used oil received at the burning facility in the previous calendar year. Records for each shipment must include the following information:

A. the name and address of the transporter who delivered the used oil to the burner;

B. the name and address of the generator or processor/refiner from whom the used oil was sent to the burner, if applicable;

C. the EPA identification number of the transporter who delivered the used oil to the burner;

D. the EPA identification number of the generator or processor/refiner from whom the used oil was sent to the burner, if applicable;

E. the quantity of used oil accepted; and

F. the date of acceptance.

Subp. 8. Notices and certification. Before a burner accepts the first shipment of off-specification used oil fuel from a generator, transporter, or processor/refiner, the generator must provide the generator, transporter, or processor/refiner a one-time, written, and signed notice certifying that the burner has notified the EPA of used oil management activities at the facility and the location of the facility, and that the burner will burn used oil only in an industrial furnace or boiler identified in subpart 2. This certification must be maintained for at least three years from the date the burner last receives shipment of off-specification used oil from the generator, transporter, or processor/refiner.

Subp. 9. Management of residues. Burners who generate residues from the storage or burning of used oil must manage the residues as specified in part 7045.0815.

Subp. 10. Closure.

A. Owners and operators who store or process used oil in aboveground tanks must, at closure of the tank system, remove or decontaminate residues in tanks, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them as hazardous waste unless the materials are not hazardous waste under parts 7045.0102 to 7045.0143. If the owner or operator demonstrates that not all contaminated soils can be practicably removed or decontaminated as required in this item, then the owner or operator must close the tank system and perform postclosure care in accordance with the closure and postclosure care requirements of part 7045.0638, subpart 4, that apply to hazardous waste landfills.

B. Owners and operators who store used oil in containers must, at closure, remove containers holding used oils or residues of

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used oil from the site. The owner or operator must remove or decontaminate used oil residues, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them as hazardous waste unless the materials are not hazardous waste under parts 7045.0102 to 7045.0143.

Subp. 11. Other applicable provisions. Used oil burners who conduct the following activities are also subject to the requirements of other applicable provisions as indicated below:

A. burners who generate used oil must also comply with part 7045.0855;

B. burners who transport used oil must also comply with part 7045.0865;

C. except as provided in subpart 3, burners who process or rerefine used oil must also comply with part 7045.0875; and

D. burners who direct shipments of off-specification used oil from their facility to a used oil burner or first claim that used oil that is to be burned for energy recovery meets the used oil fuel specifications in part 7045.0795, must also comply with part 7045.0895.

7045.0895 STANDARDS FOR USED OIL FUEL MARKETERS.

Subpart 1. Applicability. Any person who conducts either of the following activities is subject to the requirements of this part:

A. any person who directs a shipment of off-specification used oil from their facility to a used oil burner; or

B. any person who first claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications in part 7045.0840.

Subp. 2. Persons who are not marketers. The following persons are not marketers subject to this part:

A. used oil generators and transporters who transport used oil received only from generators, unless the generator or transporter directs a shipment of off-specification used oil from their facility to a used oil burner. However, processors/rerefiners who burn some used oil fuel for purposes of processing are considered to be burning incidentally to processing. Thus, generators and transporters who direct shipments of off-specification used oil to processor/rerefiners who incidentally burn used oil are not marketers subject to this part;

B. persons who direct shipments of on-specification used oil and who are not the first to claim the oil meets the used oil specifications of part 7045.0840; and

C. used oil generators who direct shipments of used oil to used oil aggregation points which burn used oil in burning units in accordance with part 7045.0865, subpart 4.

Subp. 3. Prohibitions. A used oil fuel marketer must initiate a shipment of off-specification used oil only to a burner who has an EPA identification number and burns used oil in an industrial furnace or boiler identified in part 7045.0885, subpart 2.

Subp. 4. On-specification used oil fuel. Analysis of used oil fuel. A generator, transporter, processor/rerefiner, or burner may determine that used oil that is to be burned for energy recovery meets the fuel specifications of part 7045.0840 by performing analyses or obtaining copies of analyses or other information documenting that the used oil fuel meets the specifications. Persons claiming that used oil meets the specifications of part 7045.0840 must keep copies of analyses of the used oil or other information used to make the determination for at least three years.

Subp. 5. Notification. Used oil fuel marketers who have not notified the EPA that they are marketers of used oil must submit a completed EPA form 8700-12 to EPA indicating their used oil marketing activities.

Subp. 6. Tracking.

A. Any used oil marketer who directs a shipment of off-specification used oil to a burner must keep a record of each shipment of used oil to a used oil burner. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping documents. Records for each shipment must include: the name and address of the transporter who delivers the used oil to the burner; the name and address of the burner who will receive the used oil; the EPA identification number of the transporter who delivers the used oil to the burner; the EPA identification number of the burner; the quantity of used oil shipped; and the date of shipment.

B. A generator, transporter, processor/rerefiner, or burner who first claims that used oil that is to be burned for energy recovery meets the fuel specifications under part 7045.0840 must keep records of each shipment of used oil to an on-specification used oil burner. Records must include the following information: the name and address of the facility receiving the shipment; the quantity of used oil fuel delivered; the date of shipment or delivery; and a cross-reference to the record of used oil analyses or other information used to make the determination that the used oil meets the specification as required in subpart 4. These records must be maintained by the person making the claim that the oil is on-specification for at least three years.

Subp. 7. Notices and certification. Before a used oil generator, transporter, or processor/rerefiner directs the first shipment of off-specification used oil fuel to a burner, that person must obtain a one-time written and signed notice from the burner certifying that the burner has notified EPA stating the location of the burning facility and a general description of used oil management activ-

ities at the burning facility, and that the burner will burn the off-specification used oil only in an industrial furnace or boiler identified in subpart 2. This certification must be maintained by the person who obtains the certification for at least three years from the date the last shipment of off-specification used oil is shipped to the burner.

Subp. 8. Other applicable provisions. Any person subject to the requirements of this part must also comply with one of the following:

- A. part 7045.0855, standards for used oil generators;
- B. part 7045.0865, standards for used oil transporters and transfer facilities;
- C. part 7045.0875, standards for used oil processors and rerefiners;
- D. part 7045.0885, standards for used oil burners who burn off-specification used oil for energy recovery.

7045.0990 USED OIL FILTERS.

Subpart 1. Definitions. The definitions in this subpart apply to this part.

A. "Used oil filter broker" means any person or business who accepts used oil filters from used oil filter collectors for purposes of sending used oil filters to a used oil filter recycling intermediary or recycler.

B. "Used oil filter collector" means any person or business who collects used oil filters directly from used oil filter generators for the purposes of sending the used oil filters to a used oil filter recycling intermediary or recycler. Scrap metal collectors who incidentally receive small amounts of used oil filters with other scrap metal they collect are not considered used oil filter collectors.

C. "Used oil filter processor" means a person or business who accepts used oil filters from used oil filter generators, brokers, or collectors for purposes of making the filters more amenable for recycling.

D. "Used oil filter recycler" means any person or business that accepts used oil filters and through some process transforms them into a recycled product.

E. "Used oil filter recycling intermediary" means a used oil filter broker or processor.

Subp. 2. General requirements. No person shall dispose of used oil filters in solid waste or in or on the land. Used oil filter brokers, collectors, processors, recyclers, and generators are subject to regulation under this part and must ensure that used oil filters are managed as specified in this subpart. Except as specified below, used oil filters must be recycled either by scrap metal recycling or burning for energy recovery. Used oil filters may be recycled under the scrap metal exemption of part 7045.0125, subpart 4, item C, if they meet the definition of scrap metal. Used oil filters which do not meet the definition of scrap metal, in addition to being prohibited from solid waste disposal, may be burned for energy recovery under part 7045.0805, item A. Nonmetallic portions of used oil filters are not prohibited from solid waste disposal, but are subject to the requirements of part 7045.0805. Any type of used oil filter or portion of used oil filter may be disposed of as a hazardous waste if it is found to display any characteristic of hazardous waste found in part 7045.0131. For reporting purposes, used oil filters that are recycled have the waste code of M200.

Subp. 3. Requirements for generators.

A. Used oil filter generators are subject to the licensing requirements of parts 7045.0221 to 7045.0255.

B. Used oil filter generators must store used oil filters in closed, leakproof containers labeled with the words "Used Oil Filters."

C. Used oil filter generators burning used oil filters or portions of used oil filters on-site must comply with part 7045.0855, subpart 4.

D. Off-site shipments:

(1) Used oil filter generators must ensure that used oil filters are not in a condition to readily release any free-flowing oil when they leave the generator site.

(2) Used oil filter generators may transport used oil filters that they generate to another licensed site owned by the generator or to a used oil filter processor, recycler, collector, or broker, in their own vehicles without meeting the requirements of subpart 4. Used oil filter generators transporting their own used oil filters must ensure that used oil and used oil filters do not escape from the containers used during transport. Used oil filter generators must keep records of all shipments of used oil filters from their sites.

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including the date of the shipment, the quantity of used oil filters shipped, and the facility to which the used oil filters were delivered. These records must be kept at the licensed site for at least three years after the date of shipment.

(3) Used oil filter generators must only allow used oil filters to be taken off-site by used oil filter collectors that are licensed by the commissioner to transport used oil filters under subpart 4, or by scrap metal collectors as specified in subpart 4. Used oil filter generators must keep records of all shipments of used oil filters from their sites, including the name, address, and license number of the collector, the date of the shipment, and the quantity of used oil filters shipped. Used oil filter generators must keep these records at the licensed site for at least three years after the date of shipment.

Subp. 4. Requirements for used oil filter collectors.

A. Any person who collects used oil filters from used oil filter generators, other than scrap metal collectors who receive incidental quantities of used oil filters with other scrap metal and persons handling used oil filters as hazardous waste, must be licensed as a used oil filter collector by the commissioner. Used oil filter collectors must keep a copy of their license in each vehicle used to transport used oil filters and at sites used to store used oil filters. To obtain a license and remain licensed, the used oil filter collector must submit the following information and meet the requirements of this subpart. All persons transporting used oil filters must submit the following information regarding the operations of their used oil filter transporting business in writing to the commissioner:

(1) the name, address, and telephone number of the collector and all facilities the collector uses for used oil filter transportation purposes;

(2) the name of a contact person for the collector and all facilities the collector uses for used oil filter transportation purposes;

(3) a list of the names, addresses, and telephone numbers of all used oil filter brokers, processors, and recyclers that will be used to recycle used oil filters handled by the collector;

(4) an approximation of the service area of the collector; and

(5) an approximation of the amount of used oil filters the collector expects to collect on an annual basis.

The commissioner shall issue a used oil filter collector license and license number to persons that submit the above information. The collector must notify the commissioner in writing immediately when any of the above information changes and provide the correct information. The commissioner shall suspend or revoke the license of any used oil collector not in compliance with the requirements of this subpart.

B. Storage and transportation:

(1) Used oil filter collectors must store and transport used oil filters in leakproof containers labeled with the words "Used Oil Filters." The containers must be closed or otherwise covered to prevent precipitation from entering the container and to prevent used oil filters and used oil from exiting the container during transport and storage.

(2) Used oil filter collectors may only send used oil filters to used oil filter recycling intermediaries or recyclers. Used oil filter collectors must send at least 75 percent of the used oil filters they take possession of each year for recycling.

C. Record keeping and receipts:

(1) Used oil filter collectors must keep records of each volume of used oil filters they accept, including the name and address of the company offering the used oil filters, the date of shipment, and the quantity of the shipment. Used oil filter collectors must give a receipt to used oil filter generators containing the above information, the used oil filter collector's name and used oil filter collector license number, and a signed certification that the used oil filter collector will ensure that the used oil filters they are accepting will be recycled.

(2) Used oil filter collectors must keep records of each volume of used oil filters they deliver to a used oil filter broker, processor, or recycler. These records must include the name and address of the facility receiving the used oil filters, the date of receipt, and the volume of used oil filters delivered.

D. By March 1 of every year, used oil filter collectors must report to the commissioner in writing the amount of used oil filters collected by the collector, and the amount of used oil filters the used oil collector delivered to used oil filter brokers, processors, and recyclers. The report must also contain a signed certification from the used oil filter collector certifying that the collector sent used oil filters only to used oil filter recycling intermediaries or recyclers.

E. Used oil filter collectors that generate used oil from their operations must comply with parts 7045.0805 and 7045.0855, as applicable.

Subp. 5. Requirements for used oil filter brokers, processors, and recyclers.

A. Used oil filter brokers, processors, and recyclers must ensure that used oil filters they manage are stored, processed, and

handled in a manner which prevents used oil from entering the environment. Used oil filter brokers, processors, and recyclers must store and transport used oil filters in leakproof containers labeled with the words "Used Oil Filters." The containers must be closed or otherwise covered to prevent precipitation from entering the container and to prevent used oil filters and used oil from exiting the containers during transport and storage. Used oil filters stored in units other than containers must not leak used oil into the environment and must be protected from precipitation.

B. Used oil filter collectors must send at least 75 percent of the used oil filters they take possession of each year for recycling.

C. Used oil filter brokers, processors, and recyclers that generate used oil or waste contaminated with used oil from their used oil filter management activities are subject to the requirements of parts 7045.0805 and 7045.0855, as applicable.

D. Used oil filter brokers and processors may only send used oil filters to used oil filter brokers, processors, or recyclers.

7045.1300 LAND DISPOSAL RESTRICTIONS; APPLICABILITY AND EXEMPTIONS.

Subpart 1. **Applicability.** ~~This part~~ Parts 7045.1300 to 7045.1380 identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances under which an otherwise prohibited waste may continue to be land disposed.

Except as specifically provided in subpart 2 or parts 7045.0102 to 7045.0143, the requirements of ~~this part~~ parts 7045.1300 to 7045.1380 apply to persons who generate or transport hazardous waste and owners and operators of hazardous waste treatment, storage, and disposal facilities. For purposes of ~~this part~~ parts 7045.1300 to 7045.1380, a certification statement that complies with *Code of Federal Regulations*, title 40, part 268, as amended, also complies with the certification statement requirements ~~under this part~~ of parts 7045.1300 to 7045.1380.

[For text of subps 2 to 4, see M.R.]

7045.1339 EFFECTIVE DATES OF SURFACE DISPOSED WASTES REGULATED IN ~~THE~~ LAND DISPOSAL RESTRICTIONS.

The comprehensive list of effective dates of surface disposed wastes regulated in the land disposal restrictions is found in *Code of Federal Regulations*, title 40, section 268, Appendix VII, Tables 1 and 2, as amended. This table does not include mixed radioactive wastes which are receiving a national capacity variance until May 8, 1992, for all applicable treatment technologies.

INSTRUCTION TO REVISOR. The revisor shall add the words, "as amended," and, where they appear, delete the words, "(1983)" and "through June 30, 1983," following the citations to *United States Code* and *Code of Federal Regulations in Minnesota Rules*, parts:

7001.0590, item M;

7001.0620, items H and L;

7001.0650, subparts 5, item E, and 7;

7045.0020, subparts 2, 9b, 24b, 32a, 59b, 71a, 72, 72a, 73, and 103, item A;

7045.0075, subparts 2, item E, 8, and 10;

7045.0102, subpart 2, item F;

7045.0121, subparts 1 and 2, item D;

7045.0125, subparts 6, item A, and 12, item A;

7045.0131, subparts 1, 2, item C, and 5, item H;

7045.0208, subpart 2, item B;

7045.0261, subparts 1a, 5, 7, and 10;

7045.0270, subparts 1, 4, 5, and 6;

7045.0302, subparts 2, item B, subitem (1), and 6, item D;

7045.0355;

7045.0371;

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7045.0395, subparts 3, items B and D, and 5, item A;
7045.0458, subpart 2, item C, subitem (1);
7045.0466, subpart 4, item B;
7045.0478, subpart 3, items M, N, P, Q, R, and S;
7045.0494, subpart 2;
7045.0498, subpart 2, item A, subitem (5);
7045.0504, subparts 6, item H, subitem (4), and 7, item D;
7045.0508, subparts 6, item H, subitem (4), and 7, item D;
7045.0514, subpart 6, item H, subitem (4);
7045.0522, subpart 1;
7045.0524, subparts 1, item A, 6, 7, 8, and 8a;
7045.0526, subparts 4 and 6, item C;
7045.0538, subpart 12, items A, B, and E;
7045.0542, subpart 4, item C;
7045.0552, subpart 2;
7045.0564, subpart 2, item C, subitem (1);
7045.0572, subpart 4, item B;
7045.0584, subpart 3, items J, K, L, M, N, O, and P;
7045.0590, subparts 6, item B, subitem (1), and 8, item A, subitem (1);
7045.0592, subpart 2;
7045.0608, subpart 2, item A, subitem (3);
7045.0622, subpart 1;
7045.0626, subpart 4;
7045.0630, subpart 2;
7045.0632, subpart 4, item B;
7045.0638, subpart 9, items A and B;
7045.1310, subpart 1, items B, subitems (2) and (3), and C;
7045.1315;
7045.1333, subparts 1, item D, 3, and 4;
7045.1334, subparts 1, item D, 2, item D, and 3;
7045.1335, subparts 4, 5, 9, item C, and 10;
7045.1350, subparts 1 and 3;
7045.1355, subparts 1 and 3;
7045.1360, subparts 1, item A, 4, and 5;
7045.1380, subpart 6.

REPEALER. *Minnesota Rules*, parts 7045.0020, subpart 102b; 7045.0102, subpart 3; 7045.0528, subpart 5; 7045.0628, subpart 5; and 7045.0695, are repealed.

EFFECTIVE DATE. *Minnesota Rules*, part 7045.0805, is effective July 1, 1995. *Minnesota Rules*, part 7045.0990, subpart 3, item D, subitem (3), and subpart 4, are effective January 1, 1996.

Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §§14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

Department of Commerce

Adopted Permanent Rules Relating to Commercial Insurance Filing Exemptions

The rules proposed and published at *State Register*, Volume 19, Number 19, pages 950-951, November 7, 1994 (19 SR 950), are adopted as proposed.

Department of Health

Adopted Permanent Rules Relating to Aggregate Provider Data

The rules proposed and published at *State Register*, Volume 19, Number 7, pages 310-316, August 15, 1994 (19 SR 310), are adopted with the following modifications:

Rules as Adopted

4651.0100 DEFINITIONS.

Subp. 13. **Health care professional costs.** "Health care professional costs" means all compensation costs for professionals involved in providing health care services directly to patients, including the costs of health care professionals who own the reporting entity, who are employees of the reporting entity, or who are independent contractors. Health care professional costs includes salaries, benefits, fees, commissions, production bonuses, profit sharing, and any other form of compensation provided to health care professionals.

4651.0110 HEALTH CARE PROVIDER REPORTING.

Subp. 2. **Health care providers shall report; date for filing; reporting period.** All health care providers listed in subpart 1 shall file with the commissioner a health care provider financial and statistical report on or before April 1 of each year. The report must be on forms issued by the commissioner and must contain data from the preceding calendar year.

Subp. 3. **Clinic or group reporting.** Health care providers organized as a clinic or group ~~shall~~ may jointly file one report that meets the requirements of part 4651.0120 for the clinic or group.

Subp. 4. **Aggregate reporting.** An organization operating more than one clinic may report to the commissioner for all clinics. An organization may submit the data in the report for each clinic or in the aggregate for all clinics. If the data is submitted in the aggregate for all clinics, then the organization must include the name and address of each clinic covered by the report and average number of full-time equivalent employees by type of employee.

Subp. 5. **Small business providers.** A health care provider who is a solo practitioner and has total revenues of less than \$1,000,000 may file a short report in lieu of filing a report that meets the requirements of part 4651.0120. Health care providers who practice in a clinic of ~~three or fewer providers and have not that has total~~ revenues which are of less than \$1,000,000 may file a short report in lieu of filing a report that meets the requirements of part 4651.0120. For purposes of this subdivision, total revenues are as specified in part 4651.0120, item I. The short report must include information required by part 4651.0120, items A ~~to through~~ through G ~~I and M to through~~ through O. The short report must also include ~~other revenues, as specified in part 4651.0120, item H, subitems (4) and (5); total revenues, as specified in part 4651.0120, item I; and total expenses, as specified in part 4651.0120, item L, subitem (15).~~

4651.0120 REPORTING REQUIREMENTS.

The report must include:

A. the following statistical and demographic data ~~including~~ the clinic ~~or~~ group, or organization name, county, telephone number, and federal tax identification number or employee identification number, as appropriate;

Emergency Rules

G. a statement of ~~total~~ net patient receipts for the health care provider itemized by type of payer as follows: Net patient receipt allocations may be calculated by making estimates based upon existing information and historical experience. Any reasonable method of allocation is acceptable. Net patient receipts may be calculated on historical experience using percentages applied to total revenue amounts. The provider of the data does not need to go back through all individual patient records from the previous year to sort out the information requested. The provider must indicate whether the net patient receipt data is based on actual or estimated data. Net patient receipts must be reported in the following categories:

- (1) Medicare;
- (2) medical assistance, general assistance medical care, and MinnesotaCare or children's health plan;
- (2) (3) other public payers;
- (3) (4) commercial insurers, preferred provider organizations, and nonprofit health plan corporations;
- (4) (5) health maintenance organizations; and
- (5) (6) patient pay, including out-of-pocket and self-filed insurance;

M. the time spent to complete the survey report;

O. a statement indicating whether or not the respondent received outside assistance to complete the survey report.

4651.0140 REVIEW OF REPORTS.

Subp. 4. **Error in reports.** If the commissioner discovers a material error in the statements or calculations in a report, the commissioner shall require the health care provider to amend and resubmit the report by a date determined by within a reasonable time. In determining a reasonable time, the commissioner shall consider factors relevant to the amount of time necessary to amend the report.

Emergency Rules

Proposed Emergency Rules

According to Minn. Stat. of 1984, §§14.29-14.30, state agencies may propose adoption of emergency rules if: 1) expressly required; 2) authorized by statute; or 3) if the manner permitted by a directive (given by statute, federal law or court order) does not allow for compliance with sections 14.14-14.28. The agency must, however, publish a notice of intent to adopt emergency rules, along with the rules themselves, in the *State Register*. The notice must advise the public:

- 1) that a free copy of the proposed emergency rule is available upon request from the agency;
- 2) that notice of the date that the rule is submitted to the attorney general will be mailed to persons requesting notification;
- 3) that the public has at least 25 days after publication of the proposed emergency rule to submit data and views in writing; and
- 4) that the emergency rule may be modified if the data and views submitted support such modification.

Adopted Emergency Rules

Emergency rules take effect five working days after approval by the attorney general, and after compliance with Minn. Stat. §§14.29-14.365. As soon as possible, emergency rules are published in the *State Register* in the manner provided for in section 14.18.

Emergency rules are effective for the period stated in the notice of intent to adopt emergency rules. This may not exceed 180 days.

Continued/Extended Emergency Rules

Adopted emergency rules may be continued in effect (extended) for an additional 180 days. To do this, the agency must give notice by: 1) publishing notice in the *State Register*; and 2) mailing the same notice to all persons who requested notification on rulemaking. No emergency rule may remain in effect 361 days after its original effective date. At that point, permanent rules adopted according to Minn. Stat. §§14.14-14.28 supercede emergency rules.

Department of Health

Adopted Repeal of Emergency Rules Relating to Health; Data Reporting

The rules proposed and published at *State Register*, Volume 19, Number 16, pages 835-836, October 17, 1994 (19 SR 835), are adopted as proposed.

Department of Agriculture**Commissioner's Order: Proposed Best Management Standards for Care of Dogs and Cats by Dealers, Commercial Breeders and Brokers pursuant to 1994 Minnesota Laws, Chapter 642, Section 8.**

WHEREAS, the Commissioner of Agriculture has authority under *1994 Minnesota Laws*, Chapter 642, Section 8 to issue an order establishing the best management standards for care of dogs and cats by dealers, commercial breeders, and brokers.

WHEREAS, the Commissioner of Agriculture has developed best management standards of care for dogs and cats by dealers, commercial breeders and brokers after consultation with persons representing dog and cat dealers, breeders and brokers including: the Minnesota Federated Humane Society, the Minnesota Council for Dog Clubs, the American Dog Owners Association, the Board of Animal Health, the Minnesota Purebred Dog Breeders Association, the Minnesota Citizens for Animal Care, the United State Department of Agriculture, the Minnesota Veterinarian Medical Association, and other interested parties.

THEREFORE, the Commissioner of Agriculture proposes the following best management standards for care of dogs and cats by dealers, commercial breeders and brokers. Comments on the proposed order will be accepted through February 22, 1995. The final order will be published after consideration of the comments received. Please mail your comments to: Commissioner's Order BMSs, Minnesota Department of Agriculture, 90 W. Plato Blvd., St. Paul, MN 55107. (The proposed order appears in bold text. Suggestions and recommendations for implementing the order appears in italics text.)

I. DEFINITIONS.

- A. ANIMALS** means a dog wholly or in part of the species *Canis familiaris*, or a cat wholly or in part of the species *Felis domesticus*.
- B. CONFINEMENT AREA** means a structure used or designed for use to restrict an animal to a limited amount of space, such as a room, pen, cage, kennel, compartment, crate, or hutch.
- C. HOUSING FACILITY** means a room, building, or area that contains a confinement area.

II STANDARDS.

- A. FOOD.** Animals must be provided with food of sufficient quantity and quality to allow for normal growth or the maintenance of body weight. (*Minnesota Statutes § 346.39, subd. 1*).

Animal food must meet or exceed National Research Council standards and should meet American Association of Feed Company Officials, Inc., (AFFCO) processing standards. Animals should be provided wholesome food suitable for the species at a frequency and amount appropriate for the species and age. Animals over the age of 20 weeks should be offered food at least once every 24 hours. Animals under the age of 20 weeks should be offered food at least once every 12 hours.

- B. WATER.** Animals must be provided with potable water in sufficient quantity to satisfy the animal's needs. (*Minnesota Statutes § 346.39, subd. 2*).

Animals should be provided access to clean, fresh, potable water in a sanitary manner at least once every 12 hours or in sufficient quantity to satisfy the animals' needs or supplied by free choice. Snow or ice is not an adequate water source. (Minnesota Statutes § 346.39, subd. 2).

- C. SHELTER.** Animals must be provided with adequate shelter to provide for their health and comfort.

A shelter that provides the animal from inclement weather, wind, and direct rays of the sun should be supplied for each animal. A shaded area must be provided that is sufficient to protect the animal from the direct rays of the sun at all times during the months of May to October. (Minnesota Statutes § 346.39, subd. 4).

To obtain information regarding guidelines on shelter requirements for specific breeds contact the Commissioner's Office, Minnesota Department of Agriculture, 90 W. Plato Blvd., St. Paul, MN 55107, 612/297-2861.

- D. CONFINEMENT AREA.** A confinement area must provide sufficient space to allow each animal to turn about freely and to easily stand, sit and lie in a normal position. (*Minnesota Statutes § 346.39, subd. 4*).

If an animal is maintained in an outdoor confinement area, that space should contain a shelter that complies with Minnesota Statutes § 343.40. If an animal is maintained in a confinement area with a housing facility used primarily to house animals, each confined animal must be provided a minimum square footage of floor space as measured from the tip of its nose to the base of its tail, plus 25 percent, expressed in square feet. The formula for computing minimum square footage is: (length of animal in inches plus 25 percent) times (length of animal in inches plus 25 percent) divided by 144. (Minnesota Statutes § 346.39, subd. 4).

Commissioners' Orders

1. **SURFACE AREA.** The interior surfaces of all indoor confinement areas must be constructed and maintained so that they are substantially impervious to moisture, provide for rapid drainage, may be readily cleaned, kept in good repair, and protect the animal from injury. (Minnesota Statutes § 346.39, subd. 10, 11).

Confinement area flooring should be constructed of nonabrasive wire of ten gauge or larger or smooth, durable, impermeable material suitable for animals. The mesh or grid should be of a suitable size to prevent feet from passing through the openings. Sufficient space or barrier should be provided between confinement areas to ensure that no liquid or solid waste, water, or food passes from one confinement area to the other. Confinement areas should be ventilated sufficiently to allow for the free movement of air in and around the confinement area. All outdoor confinement area flooring should be impermeable material or well drained aggregate.

DRAINAGE. A suitable method must be used to eliminate excess fluids from confinement areas. (Minnesota Statutes § 346.39, subd. 1). All feces should be removed and disposed of daily. All waste drainage and waste material should be disposed of using a method prescribed by any applicable building or health codes.

2. **TEMPERATURE, VENTILATION, LIGHTING, FIRE SAFETY.** Temperature, ventilation, and lighting must be adequate for the type, number, and condition of animals involved.

TEMPERATURE. Indoor housing facilities for animals should be maintained at a temperature that is appropriate for the breed of animal. Heating and cooling units must be of a type and installation approved by applicable building or safety codes.

VENTILATION. Housing facilities must be ventilated. (Minnesota Statutes § 346.39, subd. 8). Auxiliary ventilation, such as exhaust fans, vents, air conditioning, or a combination of them, should be used when the ambient temperature exceeds 85 degrees Fahrenheit at floor level. This system must be of a type and installation approved by applicable building or safety codes.

LIGHTING. Housing facilities must have at least eight hours of illumination. (Minnesota Statutes § 346.39, subd. 9). Ample lighting, by natural or artificial means should be uniformly distributed.

FIRE SAFETY. Smoke detectors should be installed in a housing facility. Fire extinguishers containing substances nontoxic to animals should be readily available.

3. **SANITATION.** Feeding and water receptacles must be kept clean and free of contaminants. Confinement areas must be kept clean enough to protect animals from excessive moisture, waste and harmful contaminants. (Minnesota Statutes § 346.39, subd. 12).

FOOD AND WATER. Food and water receptacles must be accessible to each animal and located so as to prevent contamination by excreta. (Minnesota Statutes § 346.39, subd. 12). Opened food bags should be stored in plastic or metal cans with tight fitting lids. Disposable foods receptacles must be discarded when soiled.

CONFINEMENT AREAS. Confinement areas should be thoroughly cleaned daily and impervious surfaces treated with disinfectant at least once per week. Animals should be removed from an area while the area is being treated with disinfectant and animals should not be returned to that area until the area is dry.

DISEASES. Animals with infectious or contagious diseases should be isolated from healthy animals. Caretakers should disinfect their hands and shoes after handling animals with infectious or contagious diseases. A sink should be furnished with hot and cold running water.

BEDDING. Bedding, if used, must be kept clean and dry. Outdoor confinement and exercise areas must be kept clean and base material replaced as necessary. (Minnesota Statutes § 346.39, subd. 12).

CAT CONFINEMENT AREA. Each cat confinement area should be provided with a container for elimination. Non-disposable containers impervious to moisture should be cleaned daily. Absorbent material should be removed and replaced at least once per week.

- E. **EXERCISE.** All animals must be provided adequate exercise. (Minnesota Statutes § 346.39, subd. 5).

All animals should be provided the opportunity for exercise at least twice per day. Space should be sufficient for the animals to exercise freely.

- F. **GROUP HOUSING AND BREEDING.** Animals housed together in a confinement area must be kept in compatible groups. Animals must not be bred so as to endanger their health. (Minnesota Statutes § 346.39, subd. 6).

Females in estrus should not be housed with males except for breeding purposes. Only healthy, mature animals of normal weight that have been examined by a veterinarian should be used for breeding. Females should be rested for one or more cycles between breedings. Males should be managed so as to maintain normal physical condition and libido.

- G. FEMALES AND LITTERS.** Each female with a litter must be provided a separate confinement area. Litters should be provided socialization with human beings.

WEANING AGE. Healthy litters should remain with their mother at least five weeks, unless a veterinarian has determined that the litter is rejected or endangered by their mother or the mother's health is endangered. No animal should be sold or given away before the age of eight weeks.

TEMPERATURE. The ambient temperature of the confinement area should be maintained at a minimum of 70 degrees Fahrenheit at floor level and a maximum of 90 degrees Fahrenheit for animals under seven weeks of age unless authorized in writing by a veterinarian.

SOCIALIZATION. Litters should be provided socialization by physical contact with other animals and human beings. It is recommended that litters be handled by humans at least two times a day to prevent future biting behavior.

PET DEALERS. A pet dealer who is not the breeder of an animal may not be in possession of an animal that is under the age of eight weeks. This restriction does not apply to humane societies or retailers who receive abandoned animals.

- H. TRANSPORTATION AND SHIPMENT.** Crates and containers must be clean, adequately ventilated, contain sufficient space to allow the animals to stand up, lie down, and turn around, and provide maximum safety and protection to the animals. Adequate food, water, and exercise must be provided. (Minnesota Statutes § 346.39, subd. 3).

SHIPPERS. An animal should not be delivered or held for transport in commerce more than four hours before the scheduled departure time. No animal may be shipped on consignment. Shippers should provide the carriers or intermediate handlers with the name, address, and telephone number of the receiver, shipper's name, address, telephone number, tag or tattoo number of the animals, and time and date the animal was last fed and watered. All shippers should securely attach to the outside of the shipping container written instructions for the in-transit food and water requirements.

Shipping containers must be constructed of nonabrasive wire or a smooth, durable material suitable for animals. (Minnesota Statutes § 346.39, subd. 3). Floors should be smooth, impermeable material with grating of smooth wire of 10 gauge or larger. Containers should be provided with barriers so as to ensure that no liquid or solid waste, water, or food passes from one confinement area to another.

Animals should be maintained in compatible groups. No more than two animals may be transported in the same container. Female animals in estrus may not be transported in the same container with any male.

AGE. No one should transport or cause to be transported into, out of, or within the state for purposes of resale any animal under eight weeks of age.

FOOD AND WATER. Animals over the age of 20 weeks should be offered food at least once every 24 hours. Animals under the age of 20 weeks should be offered food at least once every 12 hours. Each animal should be offered clean, fresh, potable water, provided in a sanitary manner, at least once every eight hours. Food and water receptacles should be securely attached inside the container and placed so that the receptacle can be filled from outside the container without opening the door.

EXERCISE. Exercise should be provided at least once every twelve hours, or at suitable intervals in relation to food and water consumption.

I. DISEASE AND PARASITE CONTROL

MINIMIZING DISSEMINATION OF DISEASE. Dogs or cats affected with any clinical evidence of infectious, contagious, or communicable disease should be separated from other dogs or cats.

VETERINARY CARE. An effective program should be established and maintained for disease control and prevention, euthanasia, and adequate veterinary care under the supervision of a doctor of veterinary medicine.

HEALTH OF DOGS AND CATS AT TIME OF SALE. The following conditions make a dog or cat unfit for sale until treatment brings about a satisfactory recovery:

- A. obvious signs of infectious disease;
- B. obvious signs of nutritional deficiencies;
- C. obvious signs of severe parasitism;
- D. fractures;
- E. blindness; and

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F. serious congenital abnormalities.

CONTROL OF PESTS. *An effective program should be established and maintained for the control of insects, ectoparasites, rodents, and other pests.*

III. APPLICABILITY TO NON PROFIT ANIMAL WELFARE ORGANIZATIONS AND HUMANE SOCIETIES

Non profit animal welfare organizations and humane societies sometimes have difficulty controlling the number and condition of animals under their care. However, they should make all reasonable efforts to comply with the provisions of these best management standards. If circumstances make compliance difficult or impossible, the organization should immediately contact the Board of Animal Health. In order to prevent conditions from deteriorating, the Board of Animal Health and the organization should develop a plan for and a timeline in which compliance will occur.

Dated: 10 January 1995

Elton R. Redalen
Commissioner
Minnesota Department of Agriculture

Official Notices

Pursuant to the provisions of Minnesota Statutes §14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Department of Administration

Print Communications Division

Notice of Publication and Availability of the 1994 Minnesota Statutes

NOTICE IS HEREBY GIVEN that the 1994 *Minnesota Statutes* are now available through Minnesota's Bookstore.

The 15-volume set costs \$180.00 plus 7% sales tax of \$12.60 if purchasing at the bookstore counter, or 6.5% sales tax of \$11.70 if ordering through the mail from outside St. Paul.

Individual volumes cost \$20.00 plus tax, 7% sales tax at the bookstore is \$1.40, or 6.5% sales tax of \$1.30 if ordering through the mail from outside St. Paul.

The Office of the Attorney General has determined that materials cannot be issued without pre-payment. Credit card orders are accepted over the phone or FAX. Make checks payable to "Minnesota's Bookstore."

If ordering individual volumes please contact the Bookstore, (612) 297-3000 or 296-0931 for volume number containing the chapters you are requesting. Relationship between chapter numbers and volume numbers has changed since the 1992 set.

For more information, or to order, contact:

Minnesota's Bookstore
117 University Avenue
St. Paul, Minnesota 55155
(612) 297-3000
Toll-free nationwide: 1-800-657-3757
FAX: (612) 296-2265

Department of Agriculture

Agronomy Services Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Above Ground Storage of Bulk Liquid Fertilizer

NOTICE IS HEREBY GIVEN that the State Department of Agriculture is seeking information or opinions from sources outside the department in preparing to propose repeal existing rules and adoption of new rules governing above ground storage of bulk liquid fertilizer. The adoption is authorized by *Minnesota Statutes*, section 18C.121, subd. 1 which allows the department to adopt rules necessary to implement and enforce *Minnesota Statutes* Chapter 18C.

The purpose of the proposed rules would be to improve the effectiveness of preventing the escape or movement of liquid bulk fertilizer from storage sites, and bring the rules up to date and in compliance with *Minnesota Statutes*, section 18C.305.

The department intend to form an advisory task force on the rule. The following persons/associations will be invited to serve on the task force:

Two representatives of the large field erected tank liquid bulk fertilizer storage and distribution industry; one representative each from the large field erected tank construction industry and the small shop fabricated tank industry; three representatives of the retail agriculture liquid bulk fertilizer storage and distribution industry; two representatives of farm groups; two representatives of businesses that design and construct secondary safeguards for liquid bulk fertilizer storage; and four members of the department's Agronomy Services Division. The department is amenable to including, within reasonable limits, individuals, groups and industries not specifically mentioned above.

The department intends to form the task force by February 15, 1995. The task force should complete its work by December 15, 1995. The rulemaking process should take approximately 14 months.

The State Department of Agriculture requests information and opinions concerning the subject matter of the rules. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: Carol Milligan, Agriculture Planning Division, Minnesota Department of Agriculture, 90 West Plato Blvd., St. Paul, MN 55107; fax number 612/297-7678. Oral statements will be received during regular business hours over the telephone by John Peckham at 612/297-2614 and in person at the above address.

All statements of information and opinions shall be accepted until a Notice of Intent to Adopt a Rule Without a Public Hearing or a Notice of Hearing for this rule is published in the *State Register*. Any written material received by the department shall become part of the rulemaking record to be submitted to the attorney general in the event that the rules are adopted.

Dated: 10 January 1995

Elton Redalen
Commissioner

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective January 23, 1995 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

Benton: Rice Elementary Phase II Addition & Remodeling-Rice.

Brown: Wastewater Treatment Improvements-New Ulm.

Carver: Norwood High School Science Remodeling-Norwood.

Cass: Ah-Gwah-Ching Center Asbestos Removal Phase II.

Clearwater: U of M Heating System for Cabin #2-Itasca.

Dakota: Rosemount High School Remodeling & Auditorium Addition-Rosemount.

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Grant: Elbow Lake School-Elbow Lake.

Hennepin: Normandale Community College ISB Building-Bloomington; Washburn High School Remodeling, U of M Jackson Owre Hall Floor Recoating & Research Animal Resources New Garage Door-Minneapolis.

Itasca: IRA Civic Center Expansion & Forest History Center-Grand Rapids.

Mille Lacs: 1995 ISD #912 Reroofing-Milaca.

Ramsey: Biological Sciences Building and Christensen Laboratory Elevator Upgrade-Falcon Heights; Hazel Park Middle School Technology Laboratory Remodeling-St. Paul.

Rice: Faribault Regional Center Asbestos Removal in Pipe Tunnels-Faribault.

St. Louis: U of M Natural Resources Research Institute 1995 Reroofing-Duluth.

Scott: New Jr. High School-Savage.

Sherburne: St. Cloud Technical College 1995 Partial Reroofing-St. Cloud.

Stevens: Kitchen Expansion Exhaust Hood & Water Heater Replacement-Morris.

Copies of the certified wage rate for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

John B. Lennes, Jr.
Commissioner

Pollution Control Agency

Division of Hazardous Waste

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rulemaking Adopting Federal Regulations (see vol. 58, *Federal Register*, pages 8658 to 8685) into Minnesota Rules Governing Corrective Action Management Units and Temporary Units, *Minnesota Rules*, Chapters 7001 and 7045

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (Agency) is seeking information or opinions from sources outside the Agency in preparing to propose the adoption of rules governing Corrective Action Management Units (CAMU) and Temporary Units in order to incorporate new optional federal requirements. The adoption of the rule is authorized by *Minnesota Statutes*, section 116.07, subdivision 4 (1994), which permits the Agency to adopt rules governing generators of hazardous waste, the management, identification, labeling, classification, storage, collection, treatment, transportation, processing, and disposal of hazardous waste and the location of hazardous waste facilities.

The Agency requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter in writing or orally. Written statements should be addressed to:

Nathan Cooley
Hazardous Waste Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155

Oral statements will be received during regular business hours, 8:00 a.m. to 4:30 p.m., Monday through Friday, over the telephone at (612) 297-7544 and in person at the above address.

All statements of information and opinion will be accepted until February 24, 1995. Any written material received by the Agency will become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Charles W. Williams
Commissioner

Minnesota State Retirement System

Board of Directors, Regular Meeting

The regular meeting of the Board of Directors, Minnesota State Retirement System, will be held on Friday, January 27, 1995, at 9:00 a.m. in the office of the System, 175 W. Lafayette Frontage Road, St. Paul, Minnesota.

Minnesota Veterans Homes Board of Directors

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Regarding Admission, Continuing Stay Criteria, Maintenance Charges, and Discharge Procedures

NOTICE IS HEREBY GIVEN that the State Veterans Homes Board is seeking information or opinions from sources outside the agency in preparing to propose the adoption and revision of rules governing admission, continuing stay criteria, maintenance charges, and discharge procedures governing the Minnesota Veterans Homes. The adoption of rules is authorized by *Minnesota Statutes*, Chapter 198.003, subd. 1, which allows the Veterans Homes Board to adopt, amend and repeal rules for the governance of the Veterans Homes.

The Veterans Homes Board requests information and opinions concerning the subject matter of the rules. In proposing the rules, the Veterans Homes Board may consider the following issues:

- Revisions to admissions procedures
- Residency requirements
- Maintenance charges, spousal allowances
- Repayment agreements
- Discharge process

Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Marcy L. Harris, Rules Writer
Veterans Homes Board
Veterans Service Building
20 W. 12th St., #122
St. Paul, MN 55155
Fax (612) 297-5254

Oral statements will be received during regular business hours over the telephone at (612) 297-5254 and in person at the above address.

All statements of information and opinions shall be accepted until April 14, 1995. Any written material received by the Veterans Homes Board shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rules are adopted.

The Veterans Homes Board intends to form an advisory task force on the proposed adoption of the rules. The Board intends to invite representatives from:

Family and Resident Councils of the Veterans Homes
Veterans Organizations
Legal Aid Society
Minnesota Department of Health
U.S. Department of Veterans Affairs Medical Centers

The Veterans Homes Board intends to form the task force by March 31, 1995. Persons interested in volunteering to participate on the advisory task force must contact Marcy L. Harris no later than 3:00 P.M., March 24, 1995 at the address or phone number given above.

The Veterans Homes Board expects to have the rules ready for publication in the *State Register* by September 1, 1995. The Board anticipates this rulemaking to take one year to complete.

Dated: 11 January 1995

James H. Main
Chairman

State Grants

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Office of Environmental Assistance

Notice of Request for Proposals for the Recyclable Materials Market Development County Grant Program

The Minnesota Office of Environmental Assistance (OEA), formerly the Minnesota Office of Waste Management, is a state agency dedicated to promoting an environmentally sound future through education, assistance and partnership-building to prevent waste and pollution, conserve and recover resources, and plan for the responsible management of all wastes. The OEA provides financial and technical assistance to encourage and implement projects that develop markets for recyclables.

The purpose of this notice is to solicit proposals for projects that meet the objectives under the OEA's Recyclable Materials Market Development County Grant Program. This notice is issued by the Director of the OEA (Director) under authority provided in *Minnesota Statutes* 115A.48 and *Minnesota Rules* parts 9210.0600 through 9210.0630 and part 9210.0635. Under this program, the OEA intends to provide grants for feasibility studies and demonstration projects on separating and collecting problem materials where recycling technology/capacity exists but is underutilized, including projects that:

- Investigate and remove barriers to the separation, collection and transportation of specific problem materials which prevent effective utilization of existing recycling technology and capacity.
- Identify businesses that generate specific problem materials and methods to separate and collect those materials for recycling.
- Develop and implement on a pilot basis innovative separation and collection systems for problem materials generated by households and businesses.

Eligible projects must utilize materials as a feedstock that meet the definition of "problem material" in *Minnesota Statutes* 115A.03, subd. 24a, and the definition of "recyclable material" in *Minnesota Rules* Part 9210.0610, subp. 8, limited to the following: batteries, decontaminated infectious waste, electronic appliances, hazardous waste that will be managed in accordance with *Minnesota Rules* Part 7045.0125, household hazardous waste, lead-containing products, motor and vehicle fluids and filters, non-hazardous industrial wastes, oversize and bulky wastes, pressurized gas cylinders, antifreeze, circuit boards, mercury and mercury-containing products, photographic negatives and film, small capacitors and lamp ballasts, and tape and film products.

Eligible applicants are counties that have submitted plans under *Minnesota Statutes* 115A.551, subd. 6 (1993) as amendments to their approved comprehensive solid waste management plans. An eligible county may apply for grant funds on behalf of itself, a group of counties or any other political subdivision, nonprofit or private organization.

The county applicant may be a direct recipient of grant funds, or limit its involvement to project sponsorship. The county is not required to assume any liability for project performance or account for project funds unless the county is an actual participant in the project rather than simply a sponsor. The county, however, is required by program rules to be named the recipient of the grant award, and to sign the grant agreement which delineates the responsibilities of the participants in the project.

A county may be the recipient of a grant award for 75 percent of eligible project costs for eligible projects. Permanent capital costs are not eligible for funding under this program. Short-term capital leasing costs limited to the duration of the project, for use only on the project and necessary for project completion, are eligible for funding. The maximum grant award is \$50,000.

The Director will award grants based on the evaluation criteria in *Minnesota Rules* Part 9210.0635, subp. 7, and as described in the Request for Proposals (RFP).

The deadline for proposals to be submitted to the OEA is 5:00 p.m. CST, Tuesday, March 21, 1995, addressed to:

Minnesota Office of Environmental Assistance
County Grant Program
520 Lafayette Road N., 2nd Floor
St. Paul, MN 55155

Questions regarding this notice, and requests for copies of the RFP, should be directed to Chris Cloutier or Laura Millberg at the OEA main number, 612-296-3417 or 800-657-3843. Technical questions about recycling of problem materials should be directed to John Gilkeson at the same number.

Department of Human Services

Deaf and Hard of Hearing Services Division

Grant Contract Available for Service Provision to Persons with Deafblindness

The State of Minnesota, Department of Human Services Deaf and Hard of Hearing Services Division, is soliciting proposals from qualified individuals and organizations interested in delivering services to individuals who are deafblind, on a statewide basis in the areas of: 1) educational support and community integration, 2) comprehensive case management, 3) children and family support services. A total of \$200,000* is available. The funded program(s) would begin on July 1, 1995, and would continue, based on funding and satisfactory performance, until June 30, 1997.

Scope of the Projects:

All proposals must highlight measurable outcomes related to any or all of the following:

1. Develop and implement a community integration project that satisfies the social and educational needs of deafblind consumers.
2. Identify deafblind and hearing/vision impaired consumers. Develop and oversee a comprehensive service management plan for these consumers and assist them in obtaining or maintaining independent living skills.
3. Develop and facilitate a children and family support system to address issues facing children with deafblindness regarding community integration, socialization, recreation and mental health, as well as educational and respite opportunities for parents.

For a copy of the full text of the Request For Proposal, including the application packet, contact:

Marie Koehler, Program Planner
Department of Human Services
Deaf and Hard of Hearing Services Division
444 Lafayette Road
St. Paul, Minnesota 55155-3814
612/297-4526 (Voice)
612/297-4528 (TTY)
FAX: 612/297-7155

Eight copies** of the proposal must be received by Deaf and Hard of Hearing Services Division no later than **Friday, March 17, at 4:00 p.m.**

Late proposals will not be accepted.

If proposals are hand delivered, the **site address** is different than the mailing address, it is:

Metro Square Annex
130 East Seventh Street
St. Paul, Minnesota 55101

Award date for the grant contracts will be announced by April 14, 1995.

*Pending approval of the 1995 Minnesota State Legislature.

**In addition to the eight regular print copies, one copy of the proposal must be brailled and one copy must be in large print.

All requests for information regarding this Request For Proposal should be directed to Marie Koehler at the phone numbers listed above.

State Grants

Department of Trade and Economic Development

Minnesota Job Skills Partnership Board

Notice of Solicitation of Grant Proposals for Training Programs that Meet the Needs of Minnesota Businesses

The Minnesota Job Skills Partnership (MJSP) Board is announcing that it is now soliciting grant proposals from educational and other non-profit organizations for training programs designed to meet specific needs of Minnesota businesses.

The next deadline for submission of completed proposals is 4:00 P.M. on May 1, 1995. Because of the volume of requests and limited funding, no proposals or proposals needing revisions will be accepted after May 1, 1995, for consideration at the June 19, 1995, MJSP Board meeting. Proposals not submitted by May 1st or submitted prior to May 1st but in need of revision, will need to be resubmitted for consideration at a future Board meeting.

The Minnesota Job Skills Partnership Board will be meeting June 19, 1995, in Room 300 North, State Office Building, 100 Constitution Avenue, St. Paul, Minnesota to hear proposals accepted by May 1, 1995.

Please contact the Partnership office at 612/296-0388 for details.

— Volunteer Services of Minnesota Publications —

NEW!

The Power & Potential of Youth in Service to Communities

Outlines learner outcomes for leaders in developing service and mentoring programs. 10-48SR \$16.00

Trainer's Manual: Part I

Effective step-by-step training methods. 10-33SR \$30.00

Trainer's Manual: Part II

Training volunteer leaders. 10-34SR \$30.00

Community Handbook, Part I:

Developing Public/Private Partnerships

Partnership issues: leadership, research 10-31SR \$5.00

Community Handbook, Part II:

Basic Volunteer Program Management

Guidelines: recruitment, orientation... 10-32SR \$5.00

Planning it Safe: How to Control Liability & Risk in Volunteer Programs

Legal risk and liability concerns. 10-45SR \$17.95

Available through Minnesota's Bookstore. Use the handy order form on the back of the *State Register* to order. Visit Minnesota's Bookstore to view a variety of Volunteer Services publications.

Attract wildlife to your property...

Landscaping for Wildlife

Best-selling guide to attracting wildlife with your landscaping plans that are easy and inexpensive. Packed with diagrams and 70 color photos. 144 pp. Paperback. 9-15 SR \$10.95

Woodworking for Wildlife

Sports 185 color photos and 28 building diagrams for nest boxes and platforms to attract more than 50 species of birds and mammals. 112 pp. Paperback. 9-14 SR \$9.95

Save \$2.40 by purchasing both publications together. 9-20SR \$18.50

Available through Minnesota's Bookstore. Use the handy order form on the back of the *State Register* to order. Visit Minnesota's Bookstore to view a variety of wildlife publications.



Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612)296-2600 or [TDD (612)297-5353 and ask for 296-2600].

Minnesota State Lottery

Notice of Request for Proposal for Investment Management Services

The Minnesota State Lottery intends to issue a Request for Proposal on January 30, 1995 for the provision of investment management services. Proposals must be submitted to the Lottery by 4:30 P.M. on February 17, 1995. Persons interested in obtaining a copy of the RFP may call or write:

Tom Barrett
Administrative Services Manager
Minnesota State Lottery
2645 Long Lake Road
Roseville, MN 55113
(612) 635-8108
Fax#: (612) 297-7497

Gambling in Minnesota

Lawful Gambling Statutes 1992

Chapter 349. 65 pp. 2-5 SR \$ 6.95

Lawful Gambling Rules 1993

Chapter 7861 thru 7865. 80pp. 3-3 SR \$ 6.95

Gambling Manager's Handbook 1992

Requirements of gambling activities 10-19SR \$16.95

High Stakes: Gambling in Minnesota 1992

Overview to gambling in Minnesota 10-46SR \$ 8.95

Gambling in Minnesota 1993

Supplement to High Stakes Gambling 10-26s1SR \$ 5.95

Gaming News Subscription

Yearly subscription. 90-8SR \$40.00

Gambling Organizations Directory

Lists name and address of licensed gambling organizations in Minnesota 99-2SR \$29.95

Regulatory Accounting Manual

Procedures guide includes tax forms 10-40SR \$14.95

Accounting Manual Worksheets 8-11SR \$ 7.95

View-through Binder 8 1/2 x 11 10-25 SR \$ 5.95

Tab Dividers 10 per package 10-19 SR \$16.95

Available through Minnesota's Bookstore. Use the handy order form on the back of the *State Register* to order.

Non-State Public Bids, Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

Metropolitan Council Wastewater Services

Notice of Request for Centrifuge Prequalifications for MWWTP Centrifuge Full-Scale Demonstration Test and Potential Future MWWTP Centrifuge Equipment Procurement MCWS Project Number 930200

NOTICE IS GIVEN THAT Metropolitan Council Wastewater Services (MCWS) will receive prequalification submittals from centrifuge manufacturers or their authorized representatives (Centrifuge Vendors), for the purpose of procuring centrifuge equipment and appurtenant equipment (Goods), and special services (Services) for the Metropolitan Wastewater Treatment Plant (MWWTP). Prequalification submittals will be received at the MCWS's office at Mears Park Center, 230 E. 5th Street, Sixth Floor, St. Paul, MN 55101 until 2:00 p.m. on March 1, 1995. **SUBMITTALS RECEIVED AFTER THIS TIME WILL BE RETURNED TO THE SUBMITTER UNOPENED.**

The Centrifuge Vendors are expected to participate in a multi-phase procurement process for evaluation of high solids solid bowl centrifuges for dewatering raw primary and secondary sludges prior to incineration at a capacity of not less than 200 gallons per minute. The process will include, but not be limited to:

- A. Submittal of data for prequalification;
- B. Submittal of bids for Best Value Procurement from prequalified Centrifuge Vendors;
- C. Procurement of 1 set of Goods and Services each from 2 different prequalified Centrifuge Vendors;
- D. 12 month demonstration test and evaluation of the Goods and Services; and
- E. Potential procurement of up to 7 sets of Goods and Services from a single Centrifuge Vendor.

Goods will be installed by others under separate construction contracts with the MCWS for the MWWTP Centrifuge Full-Scale Demonstration Test and the potential future MWWTP Centrifuge Equipment Procurement.

The estimated range for the work of both the MWWTP Centrifuge Full-Scale Demonstration Test and the potential future MWWTP Centrifuge Equipment Procurement is \$5,000,000 to \$7,000,000.

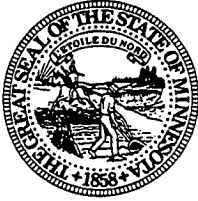
Copies of the Prequalification Requirements and Documents may be obtained from the MCWS office referenced above, Attn: Contracts and Documents Division Administrative Assistant, at a non-refundable cost of \$25.00 per set. Documents will be available after January 27, 1995.

A Pre-submittal Informational Meeting is scheduled to be held at MCWS offices referenced above on February 8, 1995 at 10:00 a.m. All Centrifuge Vendors are encouraged to attend.

Direct inquiries to the MCWS's Technical Project Manager, Craig A. Christenson at (612) 778-9018.

Minnesota Statutes, Sections 473.144 and 363.073, and *Minnesota Rules*, Parts 5000.3400 to 5000.3600 will be incorporated into any contract based upon the Prequalification Requirements and Documents, or any modifications to them. If a contract for this Project is awarded in excess of \$50,000, the requirements of *Minnesota Rules*, Part 5000.3530 "Notice of Requirements for Affirmative Action to Ensure Equal Employment Opportunity" will be applicable. Copies of the above statutes and rules are available upon request from the MCWS. Additional information is contained in the Prequalification Requirements and Documents.

The geographical area for this notice and contract is in the County of Ramsey, State of Minnesota.



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Volunteer Program Development Tools

The Power and Potential of Youth in Service to Communities

Comprehensive guide to developing and sustaining a successful and meaningful youth volunteer program. Learn what it takes--- from developing a mission, vision and management philosophy to identifying skill and ability experiences suitable for youth age 5-24; from defining a program structure and outcomes to understanding common concerns and issues. Includes information on model programs throughout the state. 96pp. (MOVS, 1993)
Stock No. 10-48 \$16.00



Planning it Safe: How to Control

Liability & Risk in Volunteer Programs

Offers concrete suggestions, clear definitions, and a preventive approach to managing legal risk and liability concerns of volunteer programs. Discusses liability for personal injury, business liability, possible protection from liability, basic concepts of risk management, and specific risks your organization may face. 112pp. (MOVS, 1992)
Stock No. 10-45 \$17.95

Promise of the Future/Responsibility Today

Report sites findings of the Governor's Blue Ribbon Committee on Mentoring and Your Community Service (1989-90). Includes recommendations for mentoring programs/youth community service as a means to match caring responsible individuals with youth to encourage and guide their personal growth and development. 56pp. (MOVS, 1991)
Stock No. 10-16 \$15.00

Bridging the Gap: A Training Manual for Respite Care Volunteers

Program assistance for the project director, coordinator of volunteers, or anyone associated with the training of volunteers in a respite care program for caregivers of chronically ill, frail, and elderly individuals. The manual offers ideas, plans, and resources to recruit, train, place and retain volunteers in a respite care program. Provides flexibility/options that enable the trainer to pick and choose training activities that are appropriate for the participants, the time available, and the trainer's skills. Topics covered include:

- * Recruiting volunteers
- * Orientation
- * Resources
- * Handouts and forms
- * Practical tips
- * Guidelines for trainers
- * Ice breaker activities
- * Understanding the caregiver
- * Communications skills
- * Dealing with grief and loss

Looseleaf, 200pp. (MN Dept. of Human Services, 1994) Stock No. 10-50 \$35.00



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SR-19